# A DISCOURSE OF Monarchy,

More particularly, of the

## IMPERIAL CROWNS OF *England*, *Scotland*, and *Ireland*,

According to the Ancient, Common, and Statute-Laws of the ſame.

With a Cloſe from the whole,

As it relates to the

Succeſſion of his ROYAL HIGHNESS

*JAMES* Duke of *York*.

(John Wilson)

DEUT. 4. 32.

*Interroga de diebus antiquis qui fuerunt ante te, ex die quo creavit Dominus hominem ſuper terram, &c.*

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To the most Honorable

# JAMES

Duke of ORMOND, &c.

Lord Lieutenant of *Ireland.*

*May it please your Grace,*

IT was a saying of the late Earl of *Ossory* (Lord Deputy of *Ireland* (your Son) at what time he deliver'd up the Sword of that Kingdom to the Lord Lieutenant *Berkeley*) *Action is the life of Government*: Common experience tells us, Usefulness, is the end of Action, and without which (like a Glass-eye to a Body) a man rather

takes up a room, than becomes any way ſerviceable. The ſenſe of this, put me on thoſe thoughts, I herewith preſent your Grace, and unto whom more fitly, than to a Perſon, in the defence of which, few men ſate longer at Helm, or ſuffer'd more; You, that hung not up your Shield of Faith, in the Temple of Deſpair, and never ſeem'd more worthy of the great place you now fill, than when fartheſt from it. Nor am I in the ſo doing, without ſome proſpect of advantage to my ſelf; in as much, as if the cenſuring Age, ſhall handle me roughly on this account, under your great Patronage, I ſhall fight in the Shade.

And now (my Lord) I was juſt breaking off, when it came into my head, that I had, in ſome of our

our late pieces, found Sir *Edward Coke*, often quoted, eſpecially, to the defence of thoſe Notions, which had better ſlept in their forgotten Embers; and therefore I thought it not altogether forein to the matter, that I us'd the words of S. *Peter* (2 *Pet.* 3. 16.) touching S. *Paul's* Epiſtles, *In which* (ſaith he) *are ſome things, hard to be underſtood, which they that be unlearned, and unſtable wreſt, as alſo they do the other Scriptures, to their own deſtruction*: I have purpoſely made uſe of him in many places, as an high Aſſertor of Monarchy, and Prerogative; Thoſe that find him otherwiſe,

——*Habeant ſecum, ſerventque*——

Or let him lie indifferent, my Argument depends not ſingly on

him: which I humbly took leave to advert, and am,

May it pleaſe your Grace,

Your moſt Obedient,

Obliged, humble Servant,

*John Wilſon.*

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A DIS-

# A DISCOURSE OF *MONARCHY*, &c.

## SECTION I.

*That Monarchy, or the Supreme Dominion of one person, was primarily intended by God, when he created the World. That it is founded in nature. As consonant to the Divine Government. And of Divine Institution. Acknowledg'd by Heathens, as well as Christians.*

GOvernment is of that absolute neceſſity (if not to the being) at leaſt to the well-being of every thing, that

*Cicero de legibus, lib. 3.* without it, *nec domus ulla, nec civitas, &c.* nor Houſe, nor City, nor Nation, nor Mankind, nor Nature, nor the world it ſelf could conſiſt; inaſmuch as the ſtronger would devour the weaker, and the whole run back again to its firſt Chaos: and therefore, the eternal Wiſdom, when he had created the world, and ſtockt it with living Creatures according to their kinds, as if he had done nothing, while there yet wanted ſomething more excellent to govern it, made man.

*Ovid* Metam. *Sanctius his animal, mentiſque capacius altæ,*
*Deerat adhuc, & qui dominari in cætera poſſit;*
*Natus homo eſt*——

A crea-

A creature not only capable of it, and that he might the better go thro with it, furniſh'd out accordingly, *Cognati retinebat ſemina cœli*, but primarily deſign'd to it; and, however laſt in act, yet firſt in projection; for ſays the Text, *Let us make man*, &c. *And God created man after his own likeneſs*, &c. *and bleſſed them, and ſaid, Increaſe and multiply*, &c. *and have dominion*, &c. *and over every thing that moveth upon the earth*; by which, what other can there be rationally underſtood, but the ſupreme Sovereignty, or Dominion of one: for, if God Almighty had intended otherwiſe, how eaſie had it been, when he created our firſt Parents, to have form'd a multitude, and given them a joynt Commiſſion, to have govern'd one another; or at leaſt bade 'em gone together, Gen. 1. 26, 27, 28.

and agree among themſelves: but he foreſaw it would not be, and therefore to avoid confuſion, (the inſeparable companion of a multitude) created but one, and erected an exemplary Monarchy in him.

That it is founded in nature.

Neither will this leſs appear, if we conſider that the very laws of nature lead us to a Monarchy, *Natura commenta eſt regem*, ſaith *Seneca*, *de Clem.* As among all irrational creatures, who having leaſt of reaſon, are wholly govern'd by ſenſe, we find ſome one that has a preheminence above the reſt of its kind: And thus, Birds have their Eagle; Beaſts their Lion, and among them alſo every Flock its *vir gregis*: the Fiſh of the Sea their Leviathan: a King over the children of Pride, for ſo *Job* calls him:

him: and the ſhout of a King may be found among Bees,

——*Rege incolumi, mens omnibus una eſt;*
*Amiſſo, rupere fidem*—— *Virgil Geo.*

As conſonant to the Divine Government.

Nor is it more founded in nature, than conſonant to the Divine government of God, and a lively image and repreſentation of him, who as ſole Monarch ruleth and guideth all things: Look up to Heaven, and we find an Hierarchy among Angels; and one Star differ from another in glory; yet, every of them paying this homage to the Suns ſovereignty, that they veil their faces, at his leaſt appearance: Take back again to Earth, and this little world of man, has but one Body, and all the members of this body, but one head,

whereon depends the will, motion, and ſenſe; and the greater world, but one God: He ruleth over the Angels, (than whom he made Man only inferior) they over Men, Men over Beaſts, the Soul over the Body, Man (again) over Woman, and Reaſon above Affection: by which means, every good, commanding over what is leſs good by a certain combination of Powers, all things are kept in their order: whereas, were there a *duplex Principium*, of equal power (as the Ancients fabled) the commands muſt be contrary, and conſequently thereby either ruine one another, or at leaſt by their continual jarring, diſturb the harmony of the whole: and therefore it is obſervable, that albeit God, who comprehended the whole ſyſtem at once, and unblot-

blotted nature, thro all her Meanders; and to every days work (but that of the ſecond) ſaid, *And behold it was good*, yet until he had put to his laſt finiſhing hand, *i. e.* made man, and giv'n him his Commiſſion, of having dominion, It is not ſaid, And God ſaw all that he had made, *and they were very good*: and by that Divine Commiſſion have Kings ever ſince reign'd, there being no power but what is appointed of God, who according to the ſimilitude of his heavenly Kingdom hath given unto them, the Scepters of their earthly Principalities.

And of Divine Inſtitution.

Nor need we go far for examples, we find it every where; for ſuch was *Abraham* taken and acknowledged by the Inhabitants when they call'd him *Principem Dei*; and albeit Heaven be the

Throne of God, yet we meet with another of his on this Earth, his Foot-ſtool; for ſo we find it expreſs'd, *Solomon ſate on the Throne of the Lord, as King:* And in like manner the Queen of *Sheba*, *God ſet thee on his Throne, to be King for the Lord thy God:* As alſo *David* is called *his* King, and *his* Anointed, *He giveth ſtrength to his King*, &c. and again, *Hath ſhewed mercy to his Anointed.* To which, if any man ſhall object, that this was ſpoken of a good King, a man after his own heart; I anſwer, That not only *Joſiah* who alſo was a good King is called the Anointed of the Lord, but *Saul*, a King whom God is ſaid to have given in his anger, has this ſacred Title attributed to him, in eight places in the firſt Book of *Samuel*, and in two other in the ſecond: And the

1 Chron. 29. 23.

2 Chron. 9. 8.

1 Sam. 2. 10.

2 Sam. 22. 51.

*Obj.*

*Sol.*

1 Lam. 4. 20.

ſame

ſame alſo, we find God giving to Heathen Emperors, *Thus ſaith the Lord to his Anointed Cyrus; to Cyrus, whoſe hand I have holden to ſubdue Nations before him.* And ver. 4. *I have ſurnamed thee tho thou haſt not known me*: Howbeit tho he knew not his Founder at firſt, it is not long e're we find him acknowledging him; *Thus ſaith Cyrus the King, All the Kingdoms of the Earth hath the Lord God of Heaven given me*, &c. And he that gave the title of Anointed to *Cyrus*, gave the ſtile of *his Servant* to *Nebuchadnezzar* (who yet had ſack'd *Jeruſalem*, and led the People thereof into captivity) when he calls him *Nebuchadnezzar*, the King of *Babylon*, my Servant; which alſo is but the ſame, wherewith he ſo often favours *Moſes*, *Joſhua* and *David*.

Isa. 45. 1.

Jer. 25. 9.

Nei-

Acknowledg'd by Heathens as well as Christians.

Neither is this truth, that Kings derive their power from God, less acknowledg'd by the Heathens, than us Christians, Ἐκ Διὸς βασιλῆες, Kings are from *Jupiter*, saith *Hesiod*: and elsewere you find 'em stiled Διογενεῖς & Διοτρεφεῖς, born of *Jove*, and nourish'd by *Jove*; whereby God is made their procreant cause, as well as their conservant; not as deriving their pedigree from *Jupiter*, but their Kingly honor: And what the Poet ascribes to *Jupiter*, the Apostle gives to God, *For* (saith he) *as certain of your own Poets have said, we are also his off-spring*. And what other does the Psalmist's calling them Gods import, than that they receive their Authority from God, whose place they supply, and whose person they represent? Many also of the most ancient Philosophers acknow-

*Hesiod.*
*Homer.*
Acts 17. 28.
Psal. 82. 6.

acknowledg the Regal Office to be a Divine good, and the King as it were a God among men; and that God had given him dominion; as we have it at large in *The Power communicated by God to the Prince, and the Obedience required of the Subject*; written by the most Reverend the late Lord Primate of all *Ireland*. In short, the Psalmist is direct in this point, *Thou makeſt him to have dominion over the works of thy hands*: And therefore when S. *Peter* calls Government an Ordinance of man, it is not that it was invented by men, but as proper to them, and ordained of God, for the good and conſervation of human kind, and exerciſed by men, about the government of human Society.

Arch-Biſhop *Uſher.*

Pſal. 8. 6.

1 Pet. 2. 13.

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## SECTION II.

*That* Adam *held it by Divine right.* Cain *a Monarch. By the Kingdoms of the most ancient Gentiles, not God's, but Monarchs were denoted. That the original of Power came not from the People, by way of Pact, or Contract. The unreasonableness and ill consequence of the contrary.* Noah *and his Sons, Kings. A Family, an exemplary Monarchy, in which the Pater-familias had power of life, and death, by the right of Primogeniture: Examples of the exercise of it in* Judah, Abraham, Jephthah, Brutus. *Upon the increase of Families they still continued under one head.* Esau. *The four grand Monarchies. Ancients, and Moderns universally receiv'd it, as precedent to all other Governments.*

THat God Almighty was the first King, will not be deny'd; and that *Adam* was the next, ap-

pears by his Commiſſion (as I have ſhewn before) a large Commiſſion, and of as large extent, as having made him a mighty King, and univerſal Monarch, and given him an unqeſtionable right to his Kingdom, which was, all the inferior world, the Earth, the Sea, and all that therein were; inſomuch that it might not improperly be ſaid of this matter,

*Jupiter in cœlis; terras, regit unus Adamus:*
*Diviſum imperium cum Jove, Adamus habet.*

And nowas all things were created in order, and that the infant world might not ſit in darkneſs, nor their poſterity want a light to guide and direct them, what wonder is it, that for the preſervation of that

that order, God erected a Dominion himſelf, and declar'd his Vicegerent?

*Cain* a Monarch.

Afterward, when the world began to enlarge, and men liv'd ſo long, that they begat a numerous poſterity, *Cain* with his own Colony went into a ſtrange Land, and built a City, and called the name thereof, after his Sons name, *Enoch*; which double act carries the character of a Kingdom in it, and that he was as well the King, as Father of the Inhabitants: neither do the ancienteſt Gentiles otherwiſe ſpeak of thoſe elder times, than with a clear ſuppoſition of Monarchy. Thoſe Kingdoms of *Saturn*, *Jupiter*, *Neptune*, *Pluto*, and the like, denoting as much, and that under thoſe names, applied to diſtinct Kingdoms, not Gods, but the Monarchs of Land and

*Seld. Tit. Hon.* 4.

The Kingdoms of *Saturn*, &c. Monarchies.

and Sea, in the first times were understood. And so *Cicero*, *Certum est, omnes antiquas gentes regibus paruisse.* And with him agrees *Justin*, *Principio rerum gentiumque imperium penes Reges erat.* But not a word all this while do we hear of the People, or that the original of Government came from them by way of pact or contract; for if the power of *Adam*, upon his Children, and his Posterity, and so all mankind whatever depended not on any consent of his Sons, or Posterity, but wholly proceeded from God and nature, then certainly, the Authority of Kings is both natural and immediately Divine, and not of any consent, or allowance of man, and consequently, the people had no more right to chuse their Kings, than to chuse their Fathers.

*De legibus, l. 3. Just. l. 1.*

That the original of Power came not from the People.

Besides,

The Irrationality of the contrary.

Beſides, to examin it a little farther, if this power of paction, or contract, had been in the people, then it muſt lie in all the people, as an equal, common right, or in ſome particular part; if in all of them, they would do well to ſhew how they came by it; or if in any more peculiar part, by what Authority were the reſt excluded; it being a Maxim in Law, *Co. 8. Rep. 92.* *Quod noſtrum eſt ſine facto, vel defectu noſtro amitti, vel in alium tranſferri non poteſt*, Whatever is mine, cannot be loſt, or transferr'd unto another, without my own act, or defect. Nor would it be leſs enquir'd, who were the perſons ſuppos'd to have made the contract? or whether all, without difference of Sex, Age, or Condition, were admitted to drive the bargain? and if ſo, Wives and Children were

were not *ſui juris*, and conſequently could not conclude others, nor themſelves for any longer time, than during the diſability: Which once remov'd, they were free again: Or if all were admitted, whether it were with an equal right to every one, or with ſome inequality? was the Servants intereſt (if yet ſuch a thing could be among equals) equal with the Maſters? and if not, who made the inequality? or if equal, who could ſummon the reſt? or when met, regulate, preſide, or moderate? and thus new *Atlantis*-men, run round the maze, not knowing how to diſentangle themſelves; and like men in a miſt, loſe their way by ſeeking to find it.

*Vide* Biſhop *Sanderſon's* Preface to the *Power of Princes.*

Whereas on the other hand, if we ſhould admit the thing, and

The ill conſequence of it.

that Princes had no more right, than what the People ſhall think fit to entruſt them withal, which alſo, they may enlarge, or reſtrain at pleaſure: Then what follows, but that their Power is precarious, and ambulatory, and ſubject to be varied, according to the exigency of times, and occaſions; whereas the *Jus gladii*, *i. e.* the Sovereign Power belongs to the King, by the ordinance of God, not the donation of the People: for he beareth the Sword as the Miniſter of God, from whom he receiv'd it, and not as the Miniſter of the People, who had no right to give it, becauſe they never had it themſelves, and conſequently, could not beſtow it upon another, it being alſo another maxim in Law, *Nemo poteſt plus juris in alium transferre, quam ipſe habet*, No man can give

Rom. 13. 2.

Dyer 256
Co. 4. Rep. 24.

give another, what he has not himself. And be this sufficient, to have been said, against that humor, That the original of Government came from the People.

But to proceed, and omitting those traditional Kings, who are said to have reigned before the Flood, and of whom *Xisuthur* in whose time the Flood came, is supposed to be no other than *Noah* himself; we have great reason to believe, that after the Flood, the sole Government was at first in *Noah*, and that whatever property in several, or share of Government in any part of the world afterwards, his Sons had, they had it by his sole allotment, and authority, and transmitted the same to their posterity, merely on that account; those words seeming to import as much, *These are* Gen. 10. 32.

*Noah* and his Sons Kings.

*Seld. Tit. Hon.* 5, 6.

*the families of the Sons of Noah in their generations, after their Nations; and by them were the Nations divided in the earth after the flood.* And so
Ecclus. 17. 17. the Son of *Sirach*, *In the division of the Nations of the earth, he appointed a ruler over every People.*

A Family an exemplary Monarchy.

Besides, if we examin Families, (a Family being in nature before a publick Society) we shall find them no other, than so many exemplary Monarchies, wherein the *Paterfamilias*, and the first-born after him, exercised all kind of Government Ecclesiastical and
Gen. 9. Civil (so *Noah* curs'd *Cham*, and
Gen. 21. bless'd *Shem* and *Japhet*; *Abraham* cast out *Hagar* and *Ismael*) and had the power of life and death in the
*Aristot. pol. l. 1. c. 8.* Family. *Patris, in liberis est regia potestas*; The Father has the authority of a King over his Children: for the better understanding

of

of which, it will be requiſite (e're I go further) to ſhew what the *Paterfamilias* truly was, and give ſome inſtances where he us'd this regal Authority.

As to the former, *Paterfamilias* imports no more than *Familiæ Pater*, the Maſter, or good man of the houſe, who had the care of the Eſtate, and ordering the Family; and ſo *Tully* uſes it: *C. Quintius, ſuarum rerum, Paterfamilias, & prudens, & attentus*: which in Engliſh, we would call, a diſcreet and careful manager of his Eſtate. And in another place, *Bono patrifamilias, colendi, ædificandi, & ratiocinandi, quidam uſus, opus eſt*; had need of ſome skill in Plowing, Building, and keeping Accounts; all which as yet, carry no more in it, than a bare care of the Family. And to the ſecond, that this *Pater-*

What the *Paterfamilias* was.

*Pro Quintio.*

*De Repub. l. 5.*

His power of life and death.

*familias* had the power of life and death, *Pater vitæ necisque potestatem habebat in filios*: A Father has the power of life and death over his Children, saith the same *Tully*; not simply, and *quatenus Pater*, or *Paterfamilias*, which is the same, but by a regal Authority annex'd to it, by the right of primogeniture, whereby the elder was by the law of Nature, to rule and govern the younger, he being *prior in donis, major in imperio*: And so *Aristotle*, *Parens, quod & amicus, & natu major est, præficitur, quæ species est regiæ potestatis.* In which sense, God speaking to *Cain* of his younger Brother *Abel*, saith, *Sub te erit appetitus ejus, & tu dominaberis illi. Subject to thee shall be his desire, and thou shalt rule over him*: which made *Jacob* so eager in supplanting his elder Brother *Esau*, of that birth-

*Pro domo sua.*

Gen. 49. 1.

*Pol. l. 1. c. 8.*

Gen. 4. 7.

birth-right; and *Eliſha* alludes to it, when he pray'd *Elijah* that a double portion of his ſpirit might be upon him, *i. e.* in compariſon of the reſt of the remaining Prophets, among whom he had obtained the place of an elder Brother, and to whom afterwards he became a Father. 2 Kings 2.

The exerciſe of this regal Authority is found every where; and becauſe examples give a quicker impreſſion than arguments, take a few for the reſt; by this power, *Judah* paſs'd ſentence upon *Thamar*; and *Abraham* ſhew'd his readineſs to Sacrifice his Son *Iſaac*; which, had he done, and had not withal had a regal Power in himſelf, which own'd no Superior, leſs than him, that gave him the command, what juſtification for him had that command been, The exerciſe of it in *Judah*. Gen. 38. *Abraham*. Gen. 22.

among a people, unto whom at that time, the God of *Abraham* was altogether unknown.

*Jephthah.* In like manner *Jephthah*, who (as 'tis more than probable) actually Sacrific'd his Daughter; for

Judges 11. the Text ſays he did with her according to his Vow, which was, *If thou ſhalt deliver the children of Ammon into my hands, whatſoever cometh forth of my houſe to meet me, when I return* (holocauſtum offeram Domino) *I will offer it up a burnt-offering*, &c. and is the ſame

Gen. 22. word, which *Iſaac* uſes to his Father, *Behold the fire and the wood, but where is* (victima Holocauſti) *the ſacrifice for a burnt-offering?* which is argument enough for me that her Father Sacrific'd her; And that he did it by virtue of that regal power annex'd to him as Father, and not of any power deriv'd

riv'd to him from the People, when they made him their Captain, will appear in this, that albeit ſuch an Officer had an abſolute, and independent Authority, when once elected, yet he was ſeldom choſen, but in times of imminent danger, which overpaſt, he retir'd to a private life again, as did *Gideon*, after he had deliver'd *Iſrael* from the *Midianites*; and that's the reaſon why we find ſuch chaſms and vacancies between the ceſſation of one Judg, and the election of another: and therefore, that *Samuel* judged *Iſrael* all his days was extraordinary; and extraordinary examples neither make a rule, nor break one: ſo that in ſhort, their Judges were the ſame in effect with the Roman Dictator ſome Centuries after, who was neither Sovereign Prince,

*Godw. Jew. Antiq. c. 1.*

Judges 8.

Prince, nor Magiſtrate, but ſimply commiſſionated, on ſome ſudden occaſion for the making of War, ſuppreſſing Sedition, or the like, which ended, he was no more than a Subject himſelf.

Brutus. Neither can that of *Brutus* the firſt Conſul, his beheading his two Sons, be taken to be done by him as Conſul, but as having the regal power of life and death, within his Family: for, beſides that the Conſuls were as yet in their Biggens, they never at any time afterward had any regal power, nor could they either make Laws, Peace, or War, or ſo much as whip a Citizen (but in time of War) without leave of the People, whoſe Subjects and Servants they were, and might be impriſon'd by the leaſt of the Tribunes of the People; as was *Phi-*

*Philippus* the Conſul, by *Druſus* the Tribune, for that he interrupted him as he was ſpeaking to the people: from all which I infer, that Families (who as I ſaid) were before publick Societies, were under the abſolute obedience of one, who had a regal power in him, and ruled as King over them: Howbeit in after times, when Fathers began to abuſe that Authority, it was thought fit to abridg them of it, and place it in the hands of the more publick Father, the King; a Kingdom being no other than a great Family, wherein the King hath a paternal power.

Monarchy, upon the increaſe of Families.

But to proceed; as the world increaſed, ſo did theſe Families; and being now extrafamiliated, became a part of the Commonwealth, and for want of room at home, ſwarm'd abroad into larger

ger Families and Septs, but under the obedience ſtill of one common head thereof: ſo *Eſau* is called the Father of *Edom*, and the Dukes deſcended from him, were heads of Families, and *Eſau* their chief. *Hi Duces Edom habitantes in terra imperii ſui, ipſe Eſau eſt pater*: And we read, that *Abraham* when he purſued the four Kings in the relief of his Brothers Son, and Ally, *Lot*, ſet out 318 (*expeditos vernaculos*) light harneſſed men at Arms, born in his own houſe: Yet hitherto, theſe may be rather called *Reguli*, than *Reges*, as being Princes of a narrow Territory, and much of the ſame; with the Kings we read of in the ſame Chapter, or the 31 Kings that were vanquiſh'd by *Joſhua*.

*Eſau.*

Gen. 36.

Gen. 14.

Joſh. 12.

But when in proceſs of time Kings began to encroach upon their

their Neighbors, and that whatever it were they had already only ſhew'd them, how much more was wanting, then alſo were their Kingdoms enlarged. And the firſt of this kind we read of was *Nimrod*, whom *Bodin* calls a Lordly Monarch, and the Scripture a mighty Hunter, not only in that he was a great King, or as he has it, an oppreſſor, but rather, and the more probable, that he was the firſt that uſurp'd on his Neighbors rights, to enlarge his own Dominions; that path which he firſt diſcovered, his Son *Ninus* further laid open with his Sword, and left it to his Heirs, who held it, for above a thouſand years; from them, the ſame Sword tranſlated it to the *Medes* and *Perſians*, and from them, to *Alexander* by the ſame way; and continued by the

The Aſſyrian Monarchy.

All other ancient Nations Monarchies.

The Perſian.

The Grecian.

by the same right, among his Successors, till being crumbled by them into lesser morsels, (yet still Monarchs) it became the fitter for the Roman Swallow, and at last an Empire again, under *Octavius Cæsar*; that unwieldy lump of the Roman Republick, being but a concretion of heterogeneal parts, which (like the toes of Iron, and Clay in *Nebuchadnezzar's* Image) might stick together for a while, but never incorporate: but of this, more at large in proper place.

The Roman Monarchy.

Nor were these four transcendent Monarchies the only instances of Monarchy, inasmuch as it hath gone out into all Lands; and there is neither Speech nor Language, where it has not been heard among 'em. The *Scythians*, *Æthiopians*, *Indians*, *Ægyptians*, *Armenians*,

All other ancient Nations Monarchies.

*menians*, *Bactrians*, &c. Nations famous in their Ages, were all govern'd by Monarchs; and the Jews when they demanded a King over them, that they alſo might be like all the Nations, what other did they imply, but that all other Nations (for ought at leaſt they had heard) were govern'd by Kings: The *Cappadocians* vanquiſht by the *Romans*, had loſt their King, and being perſuaded by them to take a popular State, refus'd it, as declaring they could not live without a King. *Bodin.* In ſhort, where we meet the moſt ancient Kingdoms mentioned, we hear not (ſo much as a Rat behind the Hangings) the leaſt word of Ariſtocracy, and as little of Democracy: That all *Greece* was anciently under Kings, was never doubted, and till long after *Homer's* *Selden's Tit. Hon.* 10.

*Homer's* time, Ariſtocracy was never dreamt of: And when the *Roman* Democracy began, is but to ask the next School-boy, when the *Tarquins* ended; and therefore he that ſhall ſay of either of them, that (in compariſon) they were more than of yeſterday, may have it alſo ſaid of himſelf, he knows nothing.

**And as univerſally received by the Moderns.**

But what need I run ſo far back, when there are ſo many examples before us, even at our own doors; And therefore to paſs the *Polonians*, *Danes*, *Moſcovites*, *Tartars*, *Turks*, *Abiſſines*, *Muors*, &c. yea, and the ſalvage People diſcover'd by the *Spaniard*, and our ſelves in the *Indies*, where all of them, as guided thereto, by the dictates of nature, liv'd under a Monarchy: The *Engliſh*, *Scots*, *French*, *Spaniard*, *Iriſh*, (the firſt and

and laſt only excepted during the 12 years Fever of a Rebellion) never knew other Government than that of Kings; and therefore if we ſhall follow the advice of the Prophet, *State ſuper vias antiquas & videte quænam ſit via recta, & vera, & ambulate in ea*, Stand upon the old paths, and conſider which is the right and true way, and walk in it: Cuſtom and uſage claims that reverence from us, as that we give Monarchy the precedency of all other Governments, not only in reſpect of its antiquity, beyond any other State, but as moſt univerſally receiv'd throughout the world, and conſequently, allow that of *Ariſtotle* (otherwiſe no great friend to Monarchy) *Neceſſe eſt eam quæ à prima maximeque divina cecidit, eſſe deterrimam.* In ſhort, the Schools may diſpute it,

Precedent to all other Governments.

*Ariſt. pol. l.* 4.

Lord *Bacon.*

it, but time hath try'd it: Other States may have curious frames, but they are soon out of order; But Monarchy like a work of nature is well compos'd both to grow and continue.

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## SECTION III.

*That all Governments have a natural tendency to Monarchy. Their several Forms, and Rotations, of Aristocracy. Democracy. Tyranny, to be rather wisht, than either. Examples, of* Athens, *and* Rome; *the first Consulate. Their Tribunes, several Seditions.* Marius, *and* Sylla. Crassus, Cæsar, Pompey. *The two latter divide.* Cæsar *complemented to* Rome *by the Senate. The Triumvirate, their Proscriptions, and breach. No peace, till Monarchy restor'd under* Augustus. *The sense of those times touching this matter.*

I Have in the former Sections endeavoured, and I hope satisfi'd

tisfi'd my unbyaſs'd Reader, that Monarchy is of Divine Inſtitution, and has been the moſt anciently receiv'd and exercis'd Government throughout the world, even from the firſt of time: I come now to ſhew, that all other notions of Government, of what kind ſoever, have a natural tendency to Monarchy, and like maſſie bodies, retain a trepidation, and wavering, till they fix, and ſettle on the ſame centre, whence they were firſt moved: Nor can this be more readily effected, than by examining them apart, by which means, and comparing one with another, we ſhall be the leſs apt to miſtake.

The common receiv'd forms of Government, have been three, *viz.* Monarchy, Ariſtocracy, and Democracy. If the Sovereignty

The ſeveral Forms of Government.

be in one only Prince, 'tis a Monarchy: If all the people be interessed therein, as in one Body, 'tis a Democracy, Republick, or Popular State: If but some part of the People, whether excelling in Virtue, Wisdom, Riches, Nobility, &c. have the Sovereign Command, as in one Body, and so give Laws to the rest, 'tis an Aristocracy, Optimacy, or Government of the better sort.

Now because, as says *Aristotle*, *Degenerat regia potestas in Tyrannidem*, *Aristocratia*, in *Oligarchiam*, *Respublica*, *in Democratiam*, Monarchy degenerates into Tyranny; Aristocracy into Oligarchy; a Common-wealth into Democracy: which yet *Machiavel* takes for the same; and therefore says, Democracy degenerates into Anarchy, and that (of course) runs into

*Arist. Pol. l. 3. c. 5.*

And their Rotations.

Discourse on *Livy, Decn. 1.*

into Monarchy; it being but natural, that when the Populace have toil'd, and moil'd, and even giddied themſelves in the wild Circle, that they even ſit down, and reſt themſelves where they firſt ſate out: And here it will not be amiſs, to examin that ſphere of Government, which himſelf and others of that humor, have made to themſelves: *viz.* That in the beginning of the world, men liv'd at large, as other Creatures; but when they began to multiply, they began alſo to come nearer together, and then, whether it were that the people (as they would have it) choſe the ſtrongeſt, or that he took it by force, came Monarchy into the world: but afterward, when by frequent Injuries, and Rapines on each other, men began to conſider how they might

keep what they had, ſafely, how unjuſtly ſoever they had gotten it, then came in Laws; and from them, property; and then, not the ſtrongeſt, but the wiſeſt had it; and in memory of the Father's virtue, his Son continu'd it, and from thence, came hereditary Monarchy: but his Poſterity, forgetting that *patrum virtus*, and living (perhaps) as if they thought the only character of a Prince, was to exceed others in Rapine and Luxury, they fell by degrees, into the peoples hatred, and that made the Prince afraid of them; and that fear (which creates an object, where it cannot really find it) increaſing, he began to ſtudy a revenge, oppreſſing ſome, diſobliging others, until at laſt it inſenſibly altered into Tyranny: And from thence came conſpiracies;

not

not of the poorer, but the better ſort, whoſe ſpirits not brooking it, they buzz'd notions into the peoples heads, and finding them pleas'd, laid hold of the opportunity, and heading the Multitude, both took Arms together, and thence came Rebellion; and having conquer'd that Government, the *Mobile vulgus* (as *Virgil* calls 'em) ever deſirous of a change, in hopes of battering their condition, and fond of any thing, but what they were laſt, ſubmitted to thoſe that rais'd 'em, and help'd 'em to conquer; whereupon, ſuperinducing new Laws, they alter'd the Government, and thence came Ariſtocracy: but, as man being in honor abideth not, they, and ſuch as follow'd them, leaſt minding the ſpecious advantages they propos'd to the people, e're

they got them to rebel, and not contented with a civil equality, but blinded by ambition, and taking upon them, by excluding ſome of the beſt by degrees, to graſp the Power into the hands of a few, and thoſe, the leaſt worthy, the Government was again changed, and from an Ariſtocracy, brought to an Oligarchy; ſo that the Multitude weary of both, and ready for another change, reſolv'd to reſtore neither, and concluded on a Popular State wherein every man taking upon himſelf to have an equal right in the Government, it inſenſibly loſt it ſelf in the *Mare mortuum* of Anarchy, and upon the whole matter, finding that in all this rotation, they had rather lighted on ſome new Phyſician, than any remedy for the Diſeaſe, they return'd to Monarchy, and after

after all turns of the Compaſs, came about and ſetled in the ſame point again. And thus, *Pigmalion* like, men form an image to themſelves, and then fall in love with't: and tho the queſtion be yet to be granted, that the Sovereign Power was ever in the people, yet it is ſufficient to prove my Argument, That all Governments have a natural tendency to Monarchy, and the reaſons are obvious.

Ariſtocracy.

For, if we conſider Ariſtocracy, beſides that it will be hard to determin who are the moſt virtuous, wiſeſt, richeſt, and moſt noble, or what ſhall be the true number of the Commanders, by reaſon of the multiplicity of the pretenders (for the more generous they are the more factious will they grow, their conſultations be the more difficult, and ſooner diſcover'd) how

how will it be avoided, but that (as in Corporations) the greateſt part, *i. e.* moſt voices, will over-rule the ſounder, and the better; and the more men there be, the leſs effects will there be of virtue, and wiſdom, when the beſt men ſhall be always vanquiſh'd in number, by the vicious, and the reſolutions of the leſſer, but ſounder part, overwhelm'd with the gaggles of the Factious, and Ambitious: They are alſo in a continual diſtruſt of one another, and fear of the people, whom for that reaſon, they dare neither train to Arms, nor truſt Weapons in their hands: ſo that in effect, they have a kind of Wolf by the ears, hold him in, then endanger biting; let him go, then are torn in pieces.

Democracy. So then if the Tyranny of one be pernicious, that of many muſt be

be much worſe, yet neither ſo dangerous, as that of a multitude, where no one commands, and no one obeys, and to ask counſel of whom (as in times of old they did) what other were it than to ſeek wiſdom of a mad man? with whom, on all occaſions, inſtead of argument,

——*Faces & ſaxa volant, furor arma miniſtrat.* Virgil.

Whereas in difficulties they ſtagger to and fro, and are in dangers, confounded: and therefore, one would think, when the Poet deſcrib'd the Chaos of old, that he carried ſomewhat more under it, and meant the common people,

*Rudis*

Ovid. Metam. ——*Rudis indigeſtaque moles;*
*Nec quicquam niſi pondus iners; congeſtaque eodem*
*Non bene junctarum diſcordia ſemina rerum;*
*Obſtabatque aliis, aliud*——

Beſides which, the end of all good Government is to flouriſh in virtue, juſtice, valor, honor, &c. but the end of a Popular State, is to baniſh all of them, as may be ſeen in *Athens*, and *Rome*; that by advancing the moſt unworthy men to Offices, and Dignities, they may make room for themſelves; or at leaſt (as *Marius* and *Pompey* bought) get money for their Voices; in which caſe, who can blame him for ſelling by retail, what he bought in groſs; more than he'd condemn a Woman, who having aban-

abandon'd her honor, makes the beſt of her Trade: In ſhort, what ſhall be ſaid, when in moſt Common-wealths of the Ancients, inſtead of Majeſty, and Juſtice, we find nothing but licentiouſneſs, and impunity? and how much it was improv'd for the better, in our late times, among our ſelves, I appeal to the yet calamitous remembrance of it, when every man did what was beſt his own eyes, and for the ſame reaſon alſo, *There was no King in Iſrael.*

Tyranny, to be rather wiſht than either.

And now, who would not rather wiſh a Tyranny, than an Ariſtocracy, or Democracy; for as many wiſe skilful Pilots, hinder one another, in ſtriving to govern the Helm, ſo will many men, of what condition, wiſdom, or virtue ſoever they may be, when every one ſhall ſeek to govern the Com-

Common-wealth, according to the vain images of his own fancy, or abus'd imagination: In ſhort, in the multitude of Counſellors, there is wiſdom, but the determinative part; is better performed by one, who having digeſted their opinions, will the readier execute that, which the other would ſcarce reſolve on, without contention; it being the nature of Ambition, rather to ſee all loſt, than admit another, wiſer than it ſelf, or hazard the diſrepute, of changing its opinion.

Examples in *Athens*, &c.

But to proceed; and here, not to weary my Reader with the ſtate of *Athens*, under the thirty Tyrants, or the *Lacedemonians* under their *Ephori*, who tho they carried the ſpecious ſhew of reſtraining their Kings, were indeed, a ſcourge, and plague to the people;

ple; I ſhall only inſiſt on the *Romans*, whoſe infancy for about 250 years (for ſo *Florus* reckons it) was under Kings: And to the ſame purpoſe *Tacitus*, *Urbem Romam à Principio, Reges habuere*: After this, upon expulſion of the *Tarquins*, they ſet up two Conſuls, but not ſatisfied with this alſo, the people take Arms, and leaving the City, declare they will not return, unleſs there be appointed ſome Tribunes of the People, who might bridle the Diſorders of the Conſuls, and the wealthier ſort; and 'tis granted: nor would this yet ſatisfie; they muſt now know, what the Law was, and to that end it muſt be written in twelve Tables, for the doing of which, the Conſuls were laid by, and the *Decemviri* created, with the Power, *quam modo Conſules, olim Reges habu-*

*Florus, l.* 1. *Tacitus, l.* 1.

*Rome* from the firſt Conſulate.

*Florus, l.* 1. *c.* 23.

Their Tribunes.

*Roſin. Antiq. l.* 7. *c.* 19.

*habuiſſent; interim, ceſſare omnes magiſtratus alios, donec juxta leges creati fuerint*; but they (as ſays the ſame Author) having made an agreement among themſelves, and bound it with an Oath, that no one ſhould oppoſe another, but what was approv'd by one, ſhould be approv'd by all; that they would admit no other to be joyn'd to them, but hold an equal Authority among themſelves, *Maximamque partem rerum pro imperio, multa tyrannice agerent*; the People took Arms again, and wholly deſtroy'd their power, (and as ſaith *Florus*, laid their perſons in chains) the third year from the time they were firſt ſet up; and thereupon the Conſuls were again reſtor'd.

*Lib. 1. c. 24.*

Add to this the ſeveral Seditions of *Tiberius Gracchus*, ſlain by *Scipio Naſcica*: that other of his Bro-

*Id. l. 3. c. 14, 15, 16, 17.*

Brother *Caius*, ſlain by the Conſul *Opimius*: A third of *Appuleius Saturninus*, ſuppreſs'd by *Marius*, and that other of *Livius Druſus*, by *Philippus* the Conſul. As alſo the bloody outrages between *Marius*, and *Cinna*, againſt *Sylla*, of which laſt (not to excuſe either of the former) *Plutarch* ſays, that he had ſlain 100000 men, 90 Senators, 15 of Conſular Dignity, and 2000 Gentlemen: And touching *Marius*, that of *Ovid* may not improperly be applied, *Auſus & è media plebe ſedere Deus.* Yet all this will be little more than the beginnings of evil, if we conſider that Monſter of three heads; for ſo thoſe times call'd it, *viz.* *Craſſus*, *Cæſar*, and *Pompey*: the firſt was wealthy, even to a Proverb, *Craſſo divitior*; and yet, ſtill gaping for more: the ſecond was

Several Seditions.

*Marius* and *Sylla*.

In *vita Sullæ*.

*Faſtorum, l. 4.*

*Craſſus*, *Cæſar*, *Pompey*.

for bringing himself into Estimation and Authority; and the latter, for keeping what he had already gotten; all were alike greedy of Power, and therefore no wonder if they so easily agreed for invading the Common-wealth; *Cæsar* takes upon him *Gaul*; *Crassus*, *Asia*; and *Pompey*, *Spain*: This (rope of Sand) held together for 10 years; and such I call it; for *Crassus* being slain in *Parthia*, and there wanting a third, to ballance the other two, they quickly broke asunder: *Pompey*, begins to suspect *Cæsar's* Wealth, and *Cæsar* casts an ill eye on *Pompey's* new Authority; *Nec hic ferebat parem, nec ille superiorem: Nefas! Sic de Principatu laborabant, tanquam duos tanta imperii fortuna non caperet.* The one brook'd not an Equal, nor the other a Superior: Impossible! they

The two latter divide.

*Flo. l. 4. c 4.*

they made ſuch work who ſhould be Chief; as if the fortune of ſo great an Empire were too little for two. In ſhort, they made ſuch havock between them, that any one region of the world was too little to contain it; and therefore it ſpread thro the whole; for *Pompey* having the ill fate of ſurviving his Dignity, in the loſs of his Army at *Pharſalia*, and to be as treacherouſly murdered, by his friend *Ptolomy*, King of *Alexandria*, to whom he had fled for ſuccor, his Sons took up the quarrel; of whom, *Cnæus* (the younger) flying wounded from the Battle of *Munda* in *Spain*, was purſued by *Cæſar*, and ſlain; from which, *Sextus* (the elder) eſcaping, and having gotten together 350 Ships, *Ibid. cap. 8.* he was (after the death of *Cæſar*) overthrown in a Sea-fight near

*Sicily*; whence flying into *Asia*, he fell into *Anthony*'s hands, and was there slain: of which *Martial*,

Lib. 1. Ep. 75. *Pompeios juvenes Asia, atque Europa,*
*sed ipsum*
*Terra tegit Libyes; si tamen ulla tegit:*
*Quid mirum toto si spargitur orbe? jacere*
*Uno non poterat tanta ruina loco.*

*Cæsar* complemented to *Rome* by the Senate.

And now, every thing following the good fortune of *Cæsar*, it was not said to the Senate, *And will ye be last to bring the Conqueror home?* No, they prevented it, for besides the bringing his Statues into their Temples, inscribing a month of the year to him, *&c.* they met their Enemy in the way, and having new studded the word *Imperator*, welcom'd him in, with the

super-

ſupernumerary Titles, of *Pater Patriæ*, *Conſul in decennium*, *Dictator in perpetuum*, *Sacroſanctus*, & *Imperator*. But (O the uncertainty of human condition!) deprav'd natures are never reconcil'd; and ſuch, thoſe his Flatterers prov'd to him; for upon a Conſpiracy of *Brutus*, and *Caſſius*, and other Senators, he was murder'd in the Senate; they not longer nevertheleſs ſurviving it themſelves, than in the effects of that Parricide, to have beheld that liberty loſt, they had made ſuch buſtle to reſtore. *God. Rom. Ant.* 171. *Flo. l. 4. c. 7.*

And here again, *Rome* found the want of a Head; for *Sextus Pompeius* having (as I ſaid before) ſet up at Sea, to recover what his Father had loſt by Land, and failing in it; *Octavius* muſt be reveng'd of the murderers of *Cæſar*, The Triumvirate.

who had adopted him; *Antony*, of them who had declar'd him an enemy; and *Lepidus*, (whoſe only buſineſs, in hopes of Wealth, was to fiſh in troubled waters) comes in as fuel to a flame, and joyning with *Octavius* and *Antony*, they made a Triumvirate; and under the common pretences of revenging the murder of *Julius Cæſar*, and ſetling the Commonwealth, which was much out of order, had chief Power and Authority for five years, which expiring, they refus'd to reſign, but held it other five, enacting, or reverſing, what laws they pleas'd, and that, without the conſent of the Senate, or People; and having divided one Commonwealth into three Monarchies, *viz. Africk*, both the *Sardinia's*, and *Sicily* to *Octavius*: All *Spain* and *Gallia*

*Roſin. Antiq. l. 7. c. 11.*

*Gallia Narbonenſis*, i. e. *Languedoc*, *Daulphine*, and *Provence*, to *Lepidus*; and the reſt of *France* of either ſide the *Alps*, to *Antony*; the defence of *Rome*, and *Italy*, is left to *Lepidus*, while the other two, advance againſt *Brutus* and *Caſſius*, who (by a miſtake) having loſt the day, kill themſelves: Upon this, the Conquerors return to *Rome*, and exerciſing all cruelty whatever, without any regard of perſon, or condition, they proſcribe and baniſh at pleaſure: *Lepidus* gave up his Brother *Lucius Paulus*, to gratifie *Octavius*: *Antony*, his Uncle *L. Cæſar*, to requite *Lepidus*: And *Octavius*, his friend *Cicero* (whoſe advice had given him the Empire) to appeaſe inexorable *Antony*, concerning the *Philippicks*: And now, nothing but ſlaughter beſtrid the Streets, when beſides

Their Proſcriptions.

*Roſin. Antiq. l. 7. c. 21.*

the incredible number of Roman Knights and Citizens kill'd in the broil, there were no leſs than 130 Senators proſcrib'd between them, and of whom thoſe laſt mentioned, were three.

And Breach. And now one would think all had been at quiet, the Commonwealth (as I ſaid before) being divided into three Monarchies, and *Antony* married to the Siſter of *Octavius*, yet all would not do; for *Antony* being gone for *Egypt*, and *Sextus Pompeius* overthrown, *Octavius* makes War on *Lepidus*, whoſe ſoftneſs and irreſolution made him ſubmit, with the loſs of his ſhare of the Triumvirate; and thence, to keep a War (as he had never leſs than reaſon to ſuſpect it) from home, he follows *Antony*, whoſe ſenſuality, and unpurſutiveneſs loſt him the ſole Empire

Empire of the World; for *Octavius* having overcome him and *Cleopatra*, in the Naval Battle of *Actium*, the Morning and the Evening of the Roman State, made but one day, and the Sovereignty once more coming into one hand, the Temple of *Janus* was now the third time clos'd: Upon which, applying himself to preserve that peace he had so happily restor'd, he made severe Laws to restrain those evils, a peaceable Age is but too prone to run into; in due sense of which, it was debated in Senate, *An quia condidisset imperium Romulus vocaretur; sed sanctius & reverentius visum est nomen Augusti.* And it may be observ'd, that from the expulsion of the Roman Kings to the Reign of *Octavius Augustus* (about 450 years) there was seldom above

No peace, until Monarchy restor'd.

*Florus, l. 4. c. 12.*

above 10 years, without ſome Civil War, or ſome Sedition; whereas *Auguſtus* kept the Empire in peace for above 50 years, and ſo it continu'd after his death, till the *Pretorian* Bands began to chaffer for the Empire, and others, to comply with them, gave an Empire for an Empire.

The ſenſe of thoſe times touching this matter.

And now e're I cloſe the Argument, it may not be amiſs to recollect, what the Hiſtorians, and Poets, that ſpeak of thoſe times, thought of it. *Neque aliud diſcordantis reipublicæ remedium, quam ut ab uno regeretur*, ſaith *Tacitus*: Nor is *Florus*, who wrote not long after him, in any thing ſhort of him. *Gratulandum tamen in tanta perturbatione eſt, quod potiſſimum ad Octavium Cæſarem ſumma rerum rediit; qui ſapientia ſua, atque ſolertia perculſum undique & perturbatum, ordinavit imperii*

*perii corpus. Quod ita haud dubie nunquam coire & conſentire potuiſſet, niſi unius præſidis nutu, quaſi anima, & mente regeretur.* We have this yet in ſo great a confuſion, to be glad at, that the upſhot of all came back to *Octavius Cæſar*, rather than another; who by his Wiſdom and Policy, brought the ſhatter'd, and diſorder'd body of the Empire into frame again; which without diſpute had never met, and joyn'd together, had it not been actuated, by one chief Ruler, as with a Soul, and Intelligence. And to the ſame purpoſe *L. Ampelius*, (who wrote before the diviſion of the Empire) ſpeaking of the ſeveral turns of the ſtate of *Rome*, and the uncertain condition of the people, *Donec exortis bellis civilibus, inter Cæſarem, & Pompeium, & oppreſſa per vim libertate, ſub unius Cæſaris poteſtatem*

*Amp. in lib. memoriali, c. 28.*

*ſtatem redacta ſunt omnia*, Until thoſe Civil Wars between *Cæſar* and *Pompey* began, and the publick liberty over-born by violence, all things were reduced under the obedience of one *Cæſar*. And what the much ancienter *Homer*'s ſenſe of having many Lords, was, we have every where,

Οὐκ ἀγαθὸν πολυκοιρανίη, εἷς κοίρανος ἔστω,
Εἷς βασιλεύς.

*Nec multos regnare bonum; Rex unicus eſto.*

And the reaſon of it is clear.

Lucan. *Nulla fides regni ſociis, omniſque poteſtas*
*Impatiens conſortis erit.*——

And

And ſo another,

*Statius.*

*——Summo nil dulcius unum eſt*
*Stare loco, ſociiſque comes diſcordia regnis.*

From all which we may gather, That all Governments, of what kind ſoever, have a natural tendency to Monarchy, and (like *Noah's* Dove) find no reſt, till they return to the ſame ſtation, whence they firſt departed. It being impoſſible otherwiſe, but that (as Lines from the Center) the farther they run, the farther they muſt ſeparate.

Sect.

## Section IV.

*That the Kingdom of the Jews, was a Supreme Sovereign Monarchy, in which their Kings had the absolute Power, of Peace, and War, and were Supreme,* in Ecclesiasticis. *And an Answer to that Objection*, That God gave them a King in his wrath.

I Have hitherto, according to my method propos'd, discours'd of Monarchy in general; it remains now that I bring it down to some particulars: I'll begin with the Kingdom, God erected among the Jews (his own People) and shew, That the Monarchy among them, was supreme, and independent: And here we'l take the case as we find it in *Samuel*. *Samuel* was become old,

old, and his Sons not walking in his ways, had distasted the People, who ask of him a King to judg them like all the Nations; *Samuel* is displeas'd, but God commands him to hearken to them, howbeit to protest solemnly against them, and shew them the manner of the King, that was to reign over them, which he accordingly does, *viz. He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen, and some shall run before his chariots: He will take your fields, and your vineyards, and your oliveyards, even the best of them and give them to his servants*, &c. A hard saying no doubt, whether we respect their persons, or their possessions, and yet he calls it *Jus Regis qui imperaturus est vobis*, thereby also implying, that such was the manner of all other Nati- 1 Sam. 8. throughout.

Nations. And when he wrote it in a Book and laid it up before the
1 Sam. 10. 25. Lord, he calls it *Legem Regni*, The Law of the Kingdom; and yet a King they muſt have, and had him, adding to that of *Samuel*, this other, of their own deſires, that he might have the abſolute power of Peace, and War; and this appears within the very letter of their demands, *viz.* That he might judg them, which is the power of Peace, and go out be-
1 Sam. 8. 20. fore them, and fight their Battels, which is the power of War. And what Authority he had in matters of the Church may be ſeen in this, That *Solomon* of himſelf thruſt out
1 Kings 2. 27. *Abiathar* (the High-Prieſt) and appointed *Zadok* in his room. And that even the Horns of the Altar were no Sanctuary againſt him in
1 Kings 25. 34. caſe of Treaſon, may be alſo ſeen in

in *Adonijah* and *Joab*; and yet we cannot ſo much as gather, that God was offended with him for his ſo doing, or that his perſon was the leſs acceptable to him, by reaſon of thoſe matters.

To which if it be objected, *That God gave them a King in his anger*: I anſwer, *Object.*

*Moſes* having foretold the *Iſraelites*, that when they came into the Land, they would be asking a King, charges them to ſet him over them, whom God ſhould chooſe; which ſhews, That a popular Election was utterly forbidden them: yet they, weary of ſuch Judges, as had ſucceeded *Moſes*, and whom God had raiſed to rule them as Kings, demand a King, like all the Nations, *i. e.* of a more abſolute power, than thoſe Judges had: and therefore, not *Sol.* Deut. 17. 15.

ſtaying Gods time, but taking upon them to be their own Carvers, he is ſaid to have given them a King in his wrath, in that they had not rejected *Samuel*, but himſelf, who had appointed *Samuel*. In acknowledgment of which, and as ſenſible of their error, they ever after accepted their Kings by Succeſſion, unleſs only when their Prophets had anointed and ordained another, by Gods ſpecial deſignation: Nor do we find any one in Holy Writ, choſen King by the Children of *Iſrael*, but *Abimelech* the Baſtard of *Gideon*, and Creature of the People, who alſo came in by Conſpiracy and Murder: And (as it ſeems probable) *Jeroboam*, who made *Iſrael* to ſin; for they had ſent to him (at that time, a diſcontented Fugitive, in *Egypt*) and he headed them, in a com-

Judges 9. 18.

1 Kings 12. 3.

complaint of Grievances to *Rehoboam*, which occasion'd the revolt of the ten Tribes; both which yet, reigned as wickedly, as they entred unjustly, and perish'd miserably.

## SECTION V.

*What is here intended by a Supreme Monarchy. The marks of Sovereignty; as, the Power of making Laws, and exemption from any coactive obedience to them. The Power of Peace, and War, &c. That the Kingdoms of* England, *&c. are Supreme Imperial Monarchies. Those two marks of Sovereignty, and seven others, prov'd to be no other than what has ever been, the undoubted Right of the Kings of* England. *The Kings Sovereignty by the Common Law. The like from the Statute Law. Power in Ecclesiasticks. And that they have justly used those Titles of King, and Emperor, and that from ancient times, and before the Conquest.*

I Have now brought my Diſcourſe whither I firſt deſign'd it, and therefore to avoid confuſion, which ever attends the being too general, I ſhall firſt ſhew my Reader, what I mean by a Supreme Imperial Monarch, at this day; and in the next place, prove the Kings of *England*,&c. are ſuch: And laſtly, that however the Emperors of the Weſt and Eaſt, have ſo much ſtriven about that great Title of Emperor, or *Baſileus*, that yet the Kings of *England* (as Supreme within their Dominions) have alſo and juſtly from ancient Ages uſed it, as no leſs proper to their own independent greatneſs.

I. As to the firſt, The Regal Eſtate and Dignity of a King is of two ſorts, The one Imperial and Supreme, as *England*, *France*, *Spain*,

*Spain*, &c. who owing no ſervice to the Majeſty of another, is his own Maſter, and hath an abſolute Power in himſelf, no way ſubject to the controul of another: and of ſuch a one ſpeaks *Martial*. Inſt. 4 343.

*Qui Rex eſt, Regem (Maxime) non habeat.*

The other, an Homager, or Feudatary, to another King, as his Superior Lord; ſuch as that of *Navar* and *Portugal* (of old) to *Caſtile*; *Granada*, and *Leon*, to *Aragon*; *Lombardy*, *Sicily*, *Naples*, and *Bohemia*, to the Empire; ſix parts of the *Saxon* Heptarchy, who acknowledged the ſeventh, *Anglorum Rex primus*; and ſuch was *Aella*, King of *Suſſex*; the Kings of *Man* and others, of whom I ſhall have occaſion to ſpeak hereafter. *Seld. Tit. Hon.* 24.

hereafter. The first of these is what I intend, and will be the better made out, if we cast our eyes a little on the marks of Sovereignty, and then, consider wherein they differ from our own Laws. And amongst others, we find these, 1. The Power of making Laws; and so what our English Translation calls, *Judah my Law-giver*, is in the vulgar Latin, *Juda Rex meus*, *Judah* my King: This power being one of the principal ends of Regal Authority, and was in Kings, by the Law of Nature, long before Municipal Laws had any Being, the people at that time being govern'd by a natural equity, which by the Law of Nature, all were bound to observe: And so the Poet,

Marks of Sovereignty: Power of making Laws. Psal. 60. 7.

*Remo*

——*Remo cum fratre, Quirinus* *Virgil.*
*Jura dabat populo*——

The like of King *Priam*;

——*Jura vocatis*
*More dabat populis.*——

And of *Auguſtus*,

——*Legeſque tulit juſtiſſimus Auctor.*

So *Cicero* ſpeaking of *Julius Cæſar* (as a Law-giver) ſaith thus, *Cæſar, ſi ab eo quæreretur quid egiſſet in Toga, Leges ſe reſpondiſſet multas, & præclaras tuliſſe*; Though many yet received Laws, at the will of their Prince; and thus, *Barbaris,* *Livy.* *pro legibus, ſemper imperia fuerunt*: which word barbarous, at that time, carry'd no diſgrace with it,

but was apply'd to them, that ſpoke a ſtrange Language; And ſo the *Hebrews* called the *Egyptians* (of all other Nations, the moſt civiliz'd, and learned) for that they us'd the *Egyptian* Tongue, and not the *Hebrew*, as we have it in the Pſalmiſt, *When Iſrael came out of Egypt, and the houſe of Jacob* (de gente barbaro) *from a people of ſtrange language.*

Pſal. 114. 1.

And exemption from any coactive Obedience to them.

And as they gave Laws to others, ſo were they looſed from the force of them themſelves, *i. e.* from all coactive Obedience, or Obligation, to any written, or poſitive Law. Thus *M. Antony*, when preſs'd by his *Cleopatra*, to call *Herod* in queſtion, anſwer'd, *It was not fitting a King ſhould give an account of what he did in his Government, it being in effect, to be no King at all.* And to the ſame purpoſe *Pliny*,

*Joſeph. Ant. l. 15. c. 14.*

*Pliny, Ereptum principi, illud in principatu beatiſſimum, quod non cogitur.* *Panegyr. ad Trajan.*

Another mark of Sovereignty is the power of Peace and War, and which, as *Bodin* ſays, was never doubted to be in a King. In like manner to create and appoint Magiſtrates, eſpecially ſuch, as are not under the command of others. The power of the laſt appeal. To confer Honors. To pardon Offenders. To appoint the Value, Weight, and Stamp of his own Coin, and make Forein Coin currant by Proclamation. To receive Liege Homage of an inferior King. And bear thoſe Titles of Sacred, and Majeſty, only proper to Sovereign Princes, apart from all others; of which you may read at large in *Bodin*. But I come to the ſecond.

Power of Peace and War.

*De Repub.* 163.

*Id. Bodin*, 182.

That

II. That the Kingdom of *England* is a Supreme Imperial Monarchy.

That the Kingdoms of *England*, &c. are a Supreme Imperial Monarchy; which will the better appear, when by examining those marks of Sovereignty, we find no more in them, than what the Laws of these Realms have ever acknowledg'd, to be the undoubted right of our Kings; and that, whether we respect the Common Law, Statute Law, or their Power, in Ecclesiasticks. I'll take my rise from the marks of Sovereignty.

The Kings Power in making Laws. In his *Resusc.* fol. 153.

1. The Power of making Laws. The Laws of most Kingdoms (saith the Lord *Bacon*) have been like Buildings of many pieces, patcht up from time to time, according to the occasion, without form or model; and as to our own, that they are mixt as our Language, of *British*, *Roman*, *Saxon*,

*Ibid.* 154.

*Saxon*, *Daniſh*, *Norman* Cuſtoms. *Edgar* the *Saxon* collected thoſe of his time, and gave them the force of a Fagot bound, which formerly were diſperſed. The *Danes* impos'd upon us their *Dane*-Law: And the third of that name before the Conqueſt, *Ex immenſa Legum congerie quas Britanni, Romani, Angli, Daci condiderunt, optima quæque ſelegit, & in unam coegit, quod vocari voluit Legem communem.* Some of which bear his name to this day, as Ordain'd by him: After him, *William the Conqueror* (whom *Polidor Virgil* calls our Law-giver) brought in ſomewhat of a new Law, as may be ſeen in this, That tho he made but little or no alteration in the Fundamentals, but *formulis juris*, he found here, yet, whether it were to honor his own Language, or to ſhew ſome mark of

*Ibid.* fol. 276.

Sir *E. Coke's* Preface to his third Report.

Sir *Jo. Davys* Preface to his *Iriſh Reports.*

of Conqueſt, he ſet forth his Publick Edicts in the *Norman* Tongue, and cauſed our Laws to be written in the ſame: And likewiſe, his Juſticiaries, Lawyers, and Miniſterial Officers, being at that time all *Normans*, it may be none of the leaſt reaſons why all our Pleadings and Entries were in that Tongue, until altered by Statute, That becauſe of the great miſchiefs that had hapned to divers by means of the ſaid Laws being written in the *French* Tongue which they underſtood not, That therefore all Pleas for the future, ſhould be pleaded in the *Engliſh* Tongue, and enrolled in the *Latin*, and that we receiv'd our ancient Tenures, from the *Normans*, is obvious every where. And King *John* planted the *Engliſh* Laws in *Ireland*.

36 *Edw.* III. *cap.* 15.

Sir *Jo. Davys* Preface to his *Iriſh Reports.*

But

But to come nearer home, and examin how our preſent conſtitutions agree with it; nor are they other than what has been the Practice of all former Parliaments, wherein, both Houſes are ſo ſubordinate to the King in the making of Laws, that neither of them ſingly, nor both of them together, can make any binding Law without the Kings concurrence; they might in all times ('tis true) propoſe, adviſe or conſent, or, to borrow a Metaphor, Spawn of themſelves; but in the Royal Conſent only (like the male touch) lay the *vis plaſtica*, which gave the Embrion life, and quicken'd it into Laws; and the reaſon of it is, becauſe the Legiſlative Power reſideth ſolely in the King, *ut in ſubjecto proprio*, and the conſent of the Lords and Commons, is no ſharing

Sir *E. Cooke, Sur Wiſt.* 2.

*Inst.* 4. 243. sharing of that Power (which is indivisible) but a requisite condition, to complete the Kings Power: for otherwise, all those Bills that have pass'd both Houses, and for want of the Royal-Assent, lie buried in oblivion, might as occasion serv'd, be rak'd from their forgotten Embers, and set up for Laws. Which also further appears in the several forms of our Kings giving their Royal Assent, as *Le Roy voit*, *Le Roy est Assensus*, *Le Roy Adviséra*, &c. and makes good this point, That the Power of making Laws, resides in the King, and that he may, as he sees cause, either refuse or ratifie: And this the Law of *Scotland* calls, his Majesties best, and most incommunicable Prerogative.

*Inst.* 2. 285.

Indictment against the Earl of *Argyle*, 1681.

And as the Legislative Power resides in the King solely, so also,

to

to him belongs it to interpret those Laws. *Si disputatio oriatur, Justiciarii non possunt eam interpretari, sed in dubiis & obscuris Domini Regis erit expectanda interpretatio, & voluntas; cum ejus sit interpretari cujus est condere* (saith the Lord *Ellesmer* from *Bracton* and *Britton*) His is the interpretation of the Law, whose is the Power of making the Law. *In his recurrendum ad Regem justitiæ fontem*; whence he is said to carry all the Laws (*in scrinio pectoris sui*) in his Breast. To give one instance for all, When King *Charles* the First (of happy memory) had just given his Royal Assent, to the Petition of Right, he told the Houses, That his meaning was to confirm all their Liberties, as knowing, that according to their own Protestations, they neither meant, nor could hurt his Prerogative,

The Kings Power in interpreting Laws.

Cited by him in his *Postnati*.

Sir *H. Spelman*'s Glos, fol. 107. Inst. 1. 99. Inst. 2. 168.

tive, &c. And on the laſt day of the Seſſion, before his Royal Aſſent to the Bills, ſaying, he would tell them the cauſe, why he came ſo ſuddenly to end that Seſſion, he adds, *Tho I muſt avow that I own an account of my actions to none, but God*: And again, charging both Houſes, with their Profeſſion, during the hammering that Petition, that it was in no ways to trench upon his Prerogative, ſaying, they had neither intention nor power to hurt it, he commands them all to take notice, that what he had ſpoken, was the true meaning of what he had granted, *But eſpecially* (adds his Majeſty) *you my Lords the Judges, for to you only, under me, belongs the Interpretation of Laws, for none of the Houſes of Parliament, joynt, or ſeparate* (*what new Doctrin ſoever may be raiſed*) *have any power, either*

*Vide* Petition of Right, and his Majeſties Anſwer, 3 *Car.* 1.

*Vide* Star. at large, fol. 1433.

*either to make, or declare a Law, without my consent.*

And as the King is the sole Lawgiver, and Interpreter of that Law when given, so also is he exempt and free from the Law, for as much as concerneth the coactive force of the Law, as being the Head of the Law, and of the Common-wealth, and consequently no man can give Sentence of condemnation against him, if he do any thing against that Law: for besides that every Sentence must be given by a Superior, upon his Inferior: there must be some Supreme, whereunto all are subject, but it self, to none; because otherwise, the course of Justice would go infinitely in a Circle, every Superior having his Superior, without end, which cannot be: yet admitting

His being exempt from their coactive force.

Inst. 1. 99.

*Ibid.* 73.

it might; the People cannot do it, for they have no power themſelves; or if they had, are his Subjects: and a Parliament cannot do it; for beſides that they are his Subjects alſo, and not his Peers, who ſhall try him? for he is *Principium, Caput, & finis Parliamenti*; and it can neither begin, nor end, without his Preſence in Perſon, or by Repreſentation; and hence it is, that his Death Diſſolves them. Again, if the People may call him to account, the State is plainly Democratical; if the Peers, it is Ariſtocratical, if either, or both of them, 'tis no way Monarchical, which is directly contrary to the known Laws of the Land, for *Omnis ſub Rege, & ipſe ſub nullo, niſi tantum ſub Deo*; Every man is in ſubjection to the King, and he, to none but

*Ibid.* 110.

Inſt. 4. 28.

*Ibid.* 46.

*Bract. l.* 1. *c.* 8.

but God; and ſo the Oath of Supremacy declares him the onely Supreme Governor of this Realm, 1 *Jac.* of which, more hereafter, when I come to ſpeak of the Statute-Law; and therefore if the King refuſe to do right, ſeeing no Writ can iſſue againſt him, there is a place for Petition, and if that prevail not, *Satis ei erit ad pœnam* (ſaith the ſame *Bracton*) *quod Dominum habeat ultorem.* And with this agreeth that of *Horace*,

*Regum timendorum in proprios greges,*
*Reges in ipſos, imperium eſt Jovis.*

And in this reſpect, a Prince is not looſed from the Law, for as much as concerneth the directive Power of it, but having not the Law, becomes a Law to himſelf, as well knowing,

*Claudian.* ——*Obſervantior æqui*
*Fit Populus, nec ferre negat, cum viderit ipſum*
*Auctorem parere ſibi*——

The Kings abſolute Power of Peace, and War.

2. As to the Power of Peace and War, It is the right of the King (ſaith *Fitzherbert*) to defend his Kingdom as well againſt the Sea, as againſt Enemies; which implies, that it is his right to defend it againſt Enemies; and how can he do it without the right of his Sword, when, if he ſhould be oblig'd to pray in Aid of others, perhaps they may be of another mind, or take up ſo much time in the Debate that the Kingdom may be loſt ere they reſolve what to do: And this I take to be one of the effects of Con-ſi-de-ra-ti-on, in thoſe matters, whoſe good or ill

*Nat. Brev.* 113.

ill fortune ſolely depends on Expedition, and Secreſie: for, Dangers, (as the Lord *Bacon* ſaith) are better met half way, than by keeping too long a watch upon their approaches; for if a man watch too long, 'tis odds he will fall aſleep. But to proceed; Sir *Edw. Cooke* ſays, no Subject can levy War within the Realm, without Authority from the King, unto whom it only belongeth; and that it was High-Treaſon at the Common Law, before the Statute *De proditionibus*: And in *Calvin's* caſe, he makes it clear, That to make Leagues, or denounce War, only belongs to the King, who without his Subjects, may grant Letters of ſafe Conduct, and Denization; and that this high point of Prerogative Royal, cannot be conferred upon any other,

Eſſ. of Delay.

Inſt. 3. 9.

25 *Edw.* 3. 2.

7 Rep. 25.

it being a right of Majesty, and among the badges of Supreme Power: And now one would think this were enough, and yet a late Statute of this Kingdom makes it yet clearer, it being thereby declared, That the sole Supreme Government, Command, and disposition of the Militia, and all Forces by Sea and Land, and of all Forces and places of Strength is, and by the Law of *England* ever were, the undoubted right of his Majesty, and his Royal Predecessors, Kings and Queens of *England*; and that both, or either of the Houses of Parliament cannot, nor ought to pretend to the same, nor can, nor lawfully may, raise or levy War, Offensive, or Defensive, against his Majesty, his Heirs and lawful Successors, *&c.* all which is not

13th. of this King, *cap.* 2.

introductive of a new Law, but declaratory of the old, as may be further ſeen by the penning thereof. And now what can be added more, but the Purſe, without which, what's the Sword, but (as the Greek Proverb has it) *A Bow, without a Bow-man?* For in as much as Mony is the Sinews of War, and Peace (*firmamentum belli, ornamentum pacis*) they that hang the Sword on one ſide, and the Purſe on the other, ſeem to me, to hazard both; for neither can any ſudden danger (* of which the King was ever thought the Judg) be ſtav'd off, nor War carried on, nor the Publick Peace be long preſerv'd, without it. And therefore on ſuch occaſions have Parliaments advis'd and aſſiſted the King in ſupplying his Wants, without directing him; it ſeeming hard, that he ſhould

Sir *E. Cooke*, Inſt. 1. 90.

* Subſcribed to, by all the Judges (in the caſe of Ship-Money) and by *Hatten*, and *Crooke*, tho they fell off afterward. Sir *Will. Dugdale's Short View*, fol. 42.

have Power to Proclaim War, and not be able to maintain it; and be bound to defend his Subjects, but deny'd the means. *Qui dirimit medium, deſtruit finem.*

Inſt. 1. 161.

The Kings Power in appointing chief Magiſtrates, and great Miniſters.

3. As to the creation and appointing Magiſtrates, and Officers, eſpecially ſuch as are not under the command of others, this alſo reſides ſolely in the King; for, beſides what I have ſaid in the laſt Paragraph, touching his ſole Power, in the ordering and diſpoſing the Militia, and all Forces by Sea, and places of Strength by Land, His is the appointing, all the great Officers, and Miniſters of the Realm, whether Spiritual, or Temporal; the higheſt, immediately by himſelf; the inferior, mediately by Authority derived from him, and as it were,

Smith de Repub. Ang. l. 2.

—*De lumine, lumen.*

So

So the King appoints the Lord Commiſſioner and all other the grand Miniſters and Officers of *Scotland*; and the Lord Lieutenant, Lord Deputy, Lords Juſtices and all other the grand Miniſters and Officers of *Ireland*, who alſo (but in his Kings name) appoint under him, according to the extent of their reſpective Commiſſions; ſo the Kings of *England* have, and may at this day by Letters Patents make a *Prorex*, *Locum tenens*, or Guardian of the Realm, before whom (in their abſence *in remotis*) a Parliament may be held: And ſuch was *Edward* Duke of *Cornwal*, 13 *Edw.* 3. *Lionel* Duke of *Clarence*, 21 *Edw.* 3. *John* Duke of *Bedford*, 5 *Henry* 5. And the Teſt of the Writ of Summons ſhall be in the Guardians name: or, by Commiſſion under the great Seal, Inſt. 2. 26.

Seal, to certain Lords of Parliament, authoriſe them to hold a Parliament, the King being then in the Realm, but indiſpoſed: and ſuch was that 3 *Edw.* 4. to *William* Lord Arch-Biſhop of *York*; and that other 28 *Eliz.* to *John* Lord Arch-Biſhop of *Canterbury* and others, *ad inchoandum, &c. & ad Procedendum, &c. & ad faciendum omnia & ſingula, &c. nec non ad Parliamentum adjournandum, & Prorogandum, &c.* And ſo are Parliaments held in *Scotland*, and *Ireland*, before the Lords Commiſſioners, Lord Lieutenant, Lord Deputy, *&c.* of the reſpective Kingdoms.

Inſt. 3. 7.

The Power of the laſt Appeal.

4. The Power of the laſt Appeal, *i. e.* from whoſe Sentence, no Appeal lies: The only perſon (beſides the Kings of *England*) that ever pretended to it here, was the Pope;

Inſt. 4. 343.

Pope; tho yet, the first attempt ever made that way, was by *Anselme* Arch-Bishop of *Canterbury*, in the Reign of King *William Rufus*, but it took no effect: And the Arch-Bishop, concerning himself too much, touching the Jurisdiction of the Pope in *England*, the King told him, *Ad Officium Imperatoris spectat*, &c. That it belong'd to the Emperor to make whom he pleas'd Pope, and that for the same reason, no Arch-Bishop, or Bishop within his Realm, should yield any subjection to the Court, or Pope of *Rome*, and chiefly in this respect (*cum ipse omnes libertates haberet in regno suo, quas Imperator vindicabat in Imperio*) That he had the same Prerogative in his Kingdom, that the Emperor claim'd in the Empire: And when Pope *Innocent* the Third, had against

*Ibid.* 341.

*Matth. Paris*, cited by Sir *J. Davys*, in his *Irish Rep.* 61.

againſt the declar'd will of King *John*, cauſed *Stephen Langton* to be Elected Arch-Biſhop of *Canterbury*, and after that confirm'd him, and wrote to the King to receive him, the King returns, that he (the Pope) had ſubverted the Liberties of his Crown, and that therefore he would prohibit all People going to *Rome*, and from making appeals thither: which confirms my former inſtance, and that this Power was always in the King, however for a time it might have happen'd to be neglected; for otherwiſe, it had been a vain thing in him, to have expell'd the Monks of *Canterbury* as Traytors (which he actually did) or to have imagin'd, that a Bigotted, Seditious Clergy (as at that time they were, and to be headed by that Arch-Biſhop, at leaſt no friend to the

Anſwer to Petit. p. 88.

the King, if not his Enemy) ſhould be frighten'd with an empty Bug-bear, touching a matter whereof he had no cogniſance, had he not been ſatisfi'd, it was in his Power to do it, as well as his Father before him, had done it. And having thus occaſionally nam'd him, let me (with all ſubmiſſion) offer this to the memory of that unfortunate Prince; that his deſigns, in order to the freeing the Crown from Forein uſurpation, were mighty, and, that he came ſhort, in what *Henry* the Eighth afterwards effected, was not, that he was leſs able, but his times worſe: for conſidering the unſettled condition of thoſe times, and at what diſadvantages he came in, what wonder if he were oppreſs'd by a Faction, when deſerted by his Subjects, who other-

*Aſſ. de Clarend. 10 H. 2. c. 8.*

otherwiſe, had never ſuffer'd him to have made that Crown (to the defence of which, they had all ſworn) tributary, which, many years afterward, when the Arrears of that Tribute were demanded, was too late, tho effectually enough, declar'd in Parliament, he could not do, nor they conſent to the doing it. But to proceed: When after this the Sea of *Rome*, would be yet intermedling, it was by all the States of Parliament, ſeverally examin'd, and anſwering, each State, one by one, perſonally for it ſelf, unanimouſly Declar'd, That the Pope's awarding any Proceſſes, or Sentences of Excommunication, *&c.* againſt any Biſhops, or other Spiritual Perſons, for executing Judgments, given in the Kings Courts, was clearly in derogation of the Kings Crown,

Inſt. 4. 14.

16 R. 2. c. 5.

Crown, and Regality, uſed, and approved, of the time of all his Progenitors, and which they would maintain as they were bound, by their Liegance: and thereupon Enacted, That the purchaſing any Bulls, from *Rome*, or elſewhere, ſhall be a Premunire: In which it is obſervable, That as the Judges before that time, were for the moſt part, Church-men, the Laity being not yet come up to Letters, or where they were, *Rari nantes in gurgite vaſto*, The Lords Temporal, and the Commons of this Parliament, were all Romaniſts, and of what Perſuaſion the Lords Spiritual (and their Aſſiſtants the then Judges) were, I leave to every man, the queſtion at that time being not, matter of Religion, but right of Superiority: not the Church, but Court of

*Vide*, The Caſe of Premunire, in Sir *John Davys*.

Inſt. 4. 341. of *Rome*: And ſo Sir *E. Cooke* ſpeaking of the firſt Article of the Statute of 25 *H.* 8. concerning the Prohibition of Appeals to *Rome*, ſaith, it is but declaratory of the ancient Law of this Realm: Inſt. 2. 602. And (in another place) The ſame Authority that the Pope ever exerciſed in this Kingdom by Uſurpation, was always in the King, *de jure*. With which alſo agrees the Lord Chief Juſtice *Hobart*, Sir *H. Hobart*, fol. 146. That whatſoever the Pope did in this Kingdom, even then when he was in his greateſt height, and ſtrength, was of no better force, in right, and juſtice, than at the firſt, when he was but ſimple Biſhop of *Rome*, which was *coram non Judice*, and ſo, *Jus non habenti, tuto non paretur*.

The ſole fountain of Honor. 5. The Power of conferring Honors; on which account he may

may alſo enable a man to aſſign his Surname, Arms, and Barony to another: For, as by the Laws of *England*, all Lands within the ſame, were originally derived from the Crown, and holden of the King, either mediately, or immediately, as Lord Paramount, ſo alſo by the ſame Laws were all degrees of Nobility and Honor derived from the King, as the Fountain of Honor. So *H.* 6. granted to *H. Beuchamp*, *Ut eſſet primus & præcipuus Comes Angliæ*; and that he ſhould uſe the Title of *Henricus Præcomes totius Angl, &c. ibid.* 361. Firſt Earl of all *England*, &c. And to the name Count, or Earl, which was the moſt ancient name of Dignity among the *Saxons*, *Edw.* 3. *Ang. Greg.* 11. created the Title of Duke, as diſtinct from that of

Inſt. 4. 126.

Inſt. 1. 65.

Inſt. 4. 363.

Earl (for in elder times they were oft ſynonimous with us) and created his eldeſt Son (the *Black Prince*) then Earl of *Cheſter*, into the Title of Duke of *Cornwal*, which he created into a Dutchy: and about the 18th. of his Reign, the moſt noble *Order of the Garter*. And in the 9th. of *R.* 2. *Robert de Vere*, Earl of *Oxford*, was created Marqueſs of *Dublin*. And *H.* 6. the 18th. of his Reign, created *John* Lord *Beaumont*, Viſcount *Beaumont*; of which Titles we find no mention in the *Magna Charta*, 9. *H.* 3. for they were not at that time in being. And to this yet further, the Kings of *England* have, and may at this day create a *County-Palatine*, which none but the Emperor, or a Supreme Monarch may do: for whoever is owner thereof, hath in that County,

*Seld.* Tit. of Honor, 621.

*Ibid.* 628.

*Ibid.* 630.

Inſt. 1. 69.

May create a Palatinate.

ty, *Jura Regalia*, as fully, as the King in *Palatio*,

——*Par curis, ſolo diademate diſpar.*

So *Hugh Lupus*, Nephew of King *William the Conqueror*, was by him created Earl of *Cheſter*, and the County given him, *Tenendum ſibi & hæredibus ita libere ad gladium ſicut ipſe Rex tenebat Angliam ad Coronam*; by which general words he had *Jura Regalia* within the ſaid County, and conſequently a *County-Palatine* without expreſs words; and by force thereof he created eight *Cheſhire* Barons. So not long after his time was the *County-Palatine* of *Durham* raiſed. And in the 10th. of *H.* 1. the Royal Franchiſe of *Ely*. In the 13th. of *Edw.* 3. the *County-Palatine* of *Pembroke*. And in the 50th.

*Camb. Britt.* 464.

*Seld. Tit. Hon.* 530.

*Inſt.* 4. 211.

*Camb. Britt.* 600.

year of his Reign the County of *Lancaſter* was by him erected into a *County-Palatine*, and by him given to his fourth Son, *John of Gaunt*, then Duke of *Lancaſter*, for life: to which, if any one ſhall ſay, that it was *De aſſenſu prælatorum & procerum*, Sir *Edw. Coke* anſwers for me, That the King may make a *County-Palatine*, by his Letters Patents, without Parliament.

*Plowd.* 214.

Inſt. 4. 204. in the Margin.

Add to this the three firſt *Counties-Palatine* created in *Ireland*, by *Henry* the Second, *viz. Leinſter*, which he granted to Earl *Strongbow*, who had married the Daughter and Heir of *M. Morough*, Prince of *Leinſter*. 2. *Meath*, to Sir *Hugh Lacy* the Elder. 3. *Ulſter*, to Sir *Hugh Lacy* the younger, and had their Barons under them, anſwerable to the Barons created by *H. Lupus*: of which before. Of which

which you may read excellent Learning, in the Caſe of the *County-Palatine* of *Wexford*, reported by Sir *John Davys*, at that time Attorney-General of *Ireland*. As alſo the *County-Palatine* of *Tipperary*, formerly enjoy'd by the Anceſtors of his Grace, *James* Duke of *Ormond*, &c. the preſent Lord Lieutenant of the ſame, and granted, reſtored, and confirm'd to him, by Letters-Patents at *Weſtminſter*, the 22. of *April*, in the 14th. of this King, and not long afterward, confirmed by Act of Parliament in *Ireland*; and whence alſo he bears it as a part of his Titles, *Dominus Regalitatum & Libertatum Comitatus Palatini Tipperarii.*

*9 Jac. in Scac.* fol. 49.

As alſo, *Seld. Tit. Hon.* 693.

*Stat. Hibern.* 14 *Car.* 2. *c.* 20.

Nor is this all, The Kings of *England* have created Kings within their own Dominions, and for ſuch has the world received them:

Have made a King and Lord of *Ireland.*

So King *Henry* the Second, in the 13th. year after his coming into *Ireland*, made his Son *John*, King of *Ireland*. And *Henry* the Third his Son *Edward* the Firſt, Lord of *Ireland*, and well own'd the doing it, albeit until the 33 *Henry* 8. they wrote but Lords themſelves; for their Dignity was merely Royal, as having their Juſtices, Cuſtodes, or Lord Lieutenants, and all things belonging to the Royal Eſtate and Majeſty of a King. And Sir *Edw. Cooke* tells us he has ſeen a Charter made in 20. *H.* 6. to *Henry Beuchamp* Earl of *Warwick*, whereby he was created King of the *Iſle of Wight*, and (as ſaith Mr. *Selden*) Crowned King of the ſame.

*Seld. Tit. Hon.* 38. 41.

*Inſt.* 4. 357.

*Inſt.* 1. 83.

*Ibid. Seld.* 26.

6. The Power of Pardoning, which is a Royal Act of Grace, whereby the King, either before Con-

Conviction, Sentence, or Attainder, or after, forgiveth any Crime, Puniſhment, Execution, Right, Title, Debt, or Duty Temporal, or Eccleſiaſtical: on which account he may reſtore a man that has loſt *Liberam Legem*, by being recreant: As alſo, all that is forfeited to him by Attainder, *&c.* he may reſtore by his Charter; but if by the Attainder the Blood be corrupted, that muſt be reſtored by Act of Parliament; of which, more at large in Sir *Edw. Cooke*, *Titles*, *Pardons*, and *Reſtitutions*.

Sir *E. Cooke* 5 Rep. 110. in *Foxley's* Caſe.

Inſt. 2. 248.

Inſt. 3. 233. & 241.

7. To appoint the Value, Weight, and Stamp of his Coin; and make Forein Coin currant by Proclamation. As to the firſt, we need go no farther than the ſmalleſt Piece, and that will tell us whoſe Image and Superſcription

The King appoints the value, *&c.* of Coin. Sir *J. Davys*, q. v. Caſe *de* mixt Moneys.

it is, and therefore called the Kings Money; and ſo King *John* brought the *Iriſh* Mony to the *Engliſh* Standard: And as to the other, the ſame Sir *Edw. Coke* tells us, That the King, by his abſolute Prerogative, may make any Forein Coin, lawful Mony of *England*, at his pleaſure, by his Proclamation. And in another place, putting both together, he ſays, That lawful Mony of *England* is of two ſorts, *viz.* The *Engliſh* Mony either of Gold, or Silver, Coined by the Kings Authority, or Forein Coin, by Proclamation made currant within this Realm.

Stat. 25 *Edw.* 3. *cap.* 2. Sir *J. Davys* in Pref. 5. Rep. 114.

Inſt. 2. 576.

Inſt. 1. 207.

Liege Homage received by our Kings.

8. To receive Liege Homage of another inferior King or Homager: and ſuch was our *Henry* the Second to the old Kings of *Ireland*, who are ſtiled *Reges*, & *Reguli*; and may more particularly

larly appear in a grant of his to *Roderick* King of *Connaught*, that he ſhould enjoy his Territory, under a certain Tribute, *Et quam diu ei fideliter ſerviet, ut ſit Rex ſub eo Paratus, ad ſervitium ſuum, ſicut homo ſuus*: And that *Oneale* is ſometime ſtiled *Rex*, and ſometime *Regulus*, denotes the Subject-Kings of that Country: And long before the Conqueſt, *Edgar* had eight *Reguli* or inferior Kings, Homagers to him, who at one time row'd him on the River *Dee*, himſelf guiding the Helm, and afterwards, glorying to his Nobility, that then every one of his Succeſſors might boaſt himſelf to be King of *England*, when he receiv'd the like Honor from ſo many Kings his Attendants. So *Reignald* Lord or King of *Man* (*Cui etiam fas erat Corona aurea Coronari*) and thoſe of *Ireland*,

Seld. Tit. Hon. 26.

Ibid. 29.

Ibid. 24, 25, 38.

*Ireland*, did Homage to our *Henry* the Third. And *John Baliol* King *of Scotland*, and *David* Prince of *Wales*, to *Edw.* the Firſt, and *James* the Firſt, to *Henry* the Sixth, for the Kingdom of *Scotland*. So that Liege-Lord, is he that acknowledgeth no Superior; and a Liege-man is he that oweth Liegance to his Liege-Lord; and ſo the word is frequently us'd in our Statutes, *viz.* The Kings Liege-People: And if ſuch a one ſhall be in open War, or Rebellion, or joyn with a Forein Enemy againſt the King, he ſhall not be ranſom'd, or proceeded with as an Enemy, but as a Traytor, becauſe it is *Contra Ligeantiam ſuam debitam*, and ſo the Indictment runs: Such was the caſe of *David* Prince of *Wales* aforeſaid, who had judgment of Treaſon given againſt him, for levying

Inſt. 3. 11.

vying War againſt *Edw.* 1. for that his was within the Homage and Ligeance of the King.

9. Laſtly, to bear thoſe Titles, only proper to Sovereign Princes, apart from all others, as being indiviſible, and incommunicable: And here (not to inſiſt on the words *Dei gratia*, which are familiarly ſeen in the Titles of the Kings of Europe, and Princes of the Empire, Spiritual Lords, both abroad, and at home, have of elder times frequently us'd it in their Stiles, and in a Summons to our Parliaments, and Writs, to Aſſemble, or Prorogue the Convocation, the King gives it to the Arch-Biſhops, as, *Rex &c. Reverendiſſimo in Chriſto Patri, Predilatoque, & fideli Conſiliario noſtro, A. eadem Gratia, Archiepiſcopo Cant. &c.* But in Warrants, and Commiſſions to them, it

Their burning thoſe incommunicable Titles of Majeſty, *&c.*

*Tit. Hon.* 594. it is generally omitted; and never us'd by themſelves, when they wrote to the Pope, Emperor, or a *Ibid.* 92. King; but thus: *A. licet indignus, &c. Archiepiſcopus*, or *Epiſcopus B. &c.* whereby the preſent uſe of it among our ſelves, is eaſily reconcil'd, in that they receive the Attribute, not give it. The Kings of *England*, are in the ſecond, and third perſon, commonly ſtiled, by that abſtract of Majeſty; as, your Majeſty, his Majeſty; which came into the Kingdoms of Chriſtendom, from the uſe of it in the Roman Empire; the word in it ſelf, denoting all kind of ſpecial Dignity, and, if as we ſhould ſay in *Engliſh*, A Greatneſs; And to peruſe our Statutes, from *Magna Charta*, to our own time, the moſt uſual expreſſions are, Our Lord the King, The King our Sovereign Lord,

Lord, Moſt Excellent Highneſs, Royal Majeſty, Noble Grace, Moſt Excellent Majeſty, Moſt Royal Majeſty, Dread Sovereign Lord, Moſt Gracious Sovereign, and as we uſe it now, Moſt Excellent Majeſty, and Sacred Majeſty, which are but the ſame Attribute, in other words, and in their own nature, ſo unalienable from Sovereignty, that they can by no proceſs of time be Preſcrib'd againſt, or uſurp'd upon: neither can it at all be call'd an Uſurpation, as if it were, proper only to God, unleſs we as well deny Wiſdom, Power, Clemency, or any other quality to be attributed to men, becauſe thoſe alſo, as all elſe, which is great, or good, are Primarily in him.

And ſo I have done with the marks of Sovereignty, as they are

Further instances of the Kings Sovereignty by the Common Law.

are generally receiv'd; and now if there wanted any thing to the further proof of this Sovereign Imperial Monarchy, There are yet, other Regalities, and Prerogatives, which the Common Laws of *England* have ever allowed, and never doubted, but to be inherent in their Kings. And hence it is, that the King cannot be said to be a Tenant, because he hath no Superior but God Almighty: And if the King and a common Person joyn in a Foundation, the King shall be the Founder; for the thing being entire, the Kings Prerogative shall be preferr'd. That he shall have the Escheat of all Lands whereof a person attaint of High Treason was seiz'd, of whomsoever they were holden. That there is no Occupant against the King, nor shall any one gain his Land

Inst. 1. 1.

Inst. 2. 68.

Inst. 1. 13.

*Ibid.* 42.

Land, by priority of Entry; for, *Nullum tempus occurrit Regi*, That half Blood is no impediment to the deſcent of the Lands of the Crown; as was ſeen in the Caſe of Queen *Mary*, who was but of half Blood to King *Edward* 6. and Queen *Elizabeth* to both: for the quality of the Perſon alters the Deſcent. That the acceſſion of the Crown purges all Attainders, as may be ſeen in the reſpective Caſes of *Henry* 6. and *Henry* 7. whoſe Attainders, were no other than a preſent diſability, which upon their aſſuming the Royal Dignity, were *ipſo facto* void. That the word King imports his Politick Capacity, which is never in minority, and never dies, but extends to all his Succeſſors, as well Kings, as Queens. That he is King before Coronation, for beſides

Inſt. 1. 15.

1 H. 7. 4. Plowd. 238.

Inſt. 4. 352.

Inſt. 3 7. ſides that the Law ſuffers no *interregnums*, he holds it by inherent Birth-Right, the Coronation being but a Royal Ornament, and outward Solemnization of the Deſcent; and not unlike the publick Celebration of Matrimony, between a Man and a Woman, which adds nothing to the ſubſtance of the Contract, but declares it to the world. That the Ligeance of his Subjects is abſolute, and indefinite, and due to the natural Perſon of the King, by the Law of Nature, which is immutable, and part of the Law of the Land, before any Municipal, or Judicial Law; and, that an Act of Parliament cannot bar the King of the Service of his Subject, which the indelible Law of Nature gave him, it being a part of the Law of the Land, by which, ſub-

7. Rep. in *Calvin's* Caſe.

*Ibidem.*

ſubjection is due to him. And therefore the Statute, That no man, notwithſtanding any *non obſtante*, ſhall ſerve as Sheriff, above one year, bars not the King from diſpenſing with it. And *William* Lord *la Ware*, altho diſabled by Act of Parliament, was nevertheleſs called to Parliament, was nevertheleſs called to Parliament by Queen *Elizabeth*, by Writ of Summons, for ſhe could not be barr'd of the Service, and Counſel of any of her Subjects. Add to this, That all Reſtrictions upon his Sovereign Liberty, are void, and therefore Publick Notaries made by the Emperor claiming to exerciſe their Offices in *England*, were prohibited, as being againſt the Dignity of a Supreme King. And with this agrees the Statute-Law of *Scotland*, made

23 H. 6. c. 8.

11. Rep. of the Lord *De la Ware*.

13 Edw. 3.

Inſt. 4. 342.

*Vide Seld. Tit. Hon. 21. Ann. Reg. 14.* in the Parliament of the 5th, of King *James* the Third; cap. 3. In ſhort, when King *John* had ſubjected his Crowns of *England* and *Ireland*, to Pope *Innocent* the Third, and had become his Feodary, under the anntual Acknowledgment of one thouſand Marks to the Pope, and his Succeſſors, and when *Ann.* 40. *Ed.* 3. afterwards the Arrearages thereof were demanded, the Parliament of that year anſwered, That no King can put himſelf or his Realm in Subjection, without their Aſſent: And how far that Aſſent reach'd, we have it in the 42 of *Edward* the Third, where, in full Parliament, *Inſt.* 4. 13. & 357. it was further declar'd, That they could not Aſſent to any thing in Parliament, that tended to the Diſinheriſon of the King, or his Crown, whereunto they were Sworn: which is no more, than what

what the Statute that preſcribes the Oath of the Kings Juſtices has in it, *viz. Ye ſhall not Counſel, nor Aſſent to any thing that may turn him (the King) in Damage, or Diſinheriſon; by any manner, way, or colour.* And to the ſame effect, are the ſeveral Oaths of the Lord Chancellor, and Lord Treaſurer; *You ſhall not know nor ſuffer the Hurt, or Diſinheriting of the King, or that the Rights of the Crown be decreaſed, by any means, as far as you may lett it.* In a word (to omit many others) All ſuch things, whereof no Subject can claim Property, as Treaſure-trove, Wreck, Eſtrays, *&c.* belong to the King by his Prerogative, which extends to all Powers, and Preheminences, which the Law hath given the Crown; and is a principal part of the Law of the Land, and is called by *Bracton*,

18 *Edw.* 3.

Inſt. 4. 88. & 104.

Inſt. 2. 167.

Inſt. 1. 90. & 344.

Inſt. 2. 496. *Bract. l.* 1.

*Libertas, & Privilegium Regis*, both words ſignifying the ſame thing, *i. e.* The Kings Prerogative. And
*Britt. f. 27.* by *Britton*, *Droit le Roy*, The Kings
Regiſt. fol. 61. Right. And in the Regiſter, *Jus Regium*, which is the ſame; and *Jus Regium Coronæ*, The Royal Right of the Crown: And ſince it has not been wound up ſo high, as to endanger the ſtrings, what reaſon is there to wiſh it let down ſo low, as to render it profanable by the People? When the *Philiſtines* return'd the Ark of God which they had taken, the men of *Beth-Shemeſh* muſt be prying into it; and he that has a mind to know the effect of their curioſity, may
1 Sam. 6. 19. read it in *Samuel*, God ſlew one hundred and fifty thouſand of them.

But enough of the Common-Law; we'l in the next place conſider, what the Statute-Law in further

further affirmance of the Common-Law, ſaith to this matter: And here, *it cannot be thought* (ſaith Sir *Edw. Coke*) *that a Statute, made by the Authority of the whole Realm, will recite a thing againſt the Truth.* I'll begin with that of *Richard* 2. commonly call'd the Statute of *Premunire*, in which it is declared, *That the Crown of* England *hath been ever ſo free, that it is in no earthly ſubjection, but immediately ſubject to God, in all things touching the Regality of the ſame Crown, and to none other.* In like manner the Statute of *H.* 8. againſt Appeals to *Rome*, ſaith, *That by divers ſundry old Authentick Hiſtories, and Chronicles, it is manifeſtly declared, and expreſſed, that this Realm of* England *is an Empire, and ſo hath been accepted in the world, governed by one Supreme Head, and King, having the Dignity and Royal*

The like from the Statute-Law, and that the Crown of *England* is Imperial. Inſt. 4. 343.

16 *R.* 2. *c.* 5.

*Vide* Article againſt *Woolſey.* 21 *H.* 8. Inſt. 4. 89.

24 *H.* 8. *c.* 12.

*Eſtate, of the Imperial Crown of the ſame, unto whom, a Body Politick, compact of all ſorts and degrees of people, divided in terms, by names of Spiritualty, and Temporalty, have bounden, and owen to bear, next to God, a natural, and humble Obedience.* And near the middle of the ſaid Statute, it is further called the Authority, and Prerogative of the ſaid Imperial Crown. And in the
25 *H.* 8. *c.* 21. 25 of the ſame, it is called, *The Imperial Crown, and Royal Authority, recogniſing no Superior under God, but*
*Vide Cap.* 22. *only your Grace.* And in the following Chapter, beſides the frequent uſe of the word Imperial, the Kings thereof are ſtiled, Kings,
28 *H.* 8. *c.* 7. and Emperors of this Realm. And in another of the ſame Kings, it is called, *The moſt Royal Eſtate of your Imperial Crown, of this Realm*; and
*Vide cap.* 16. the ſame word Imperial, made uſe of

of ten other times, in the ſame Statute, to the ſame purpoſe. And with this agrees the Statute of *Ireland*, where in expreſs words alſo, the Kings of *England* are entituled, *Kings and Emperors of the Realm of* England, *and of the Land of* Ireland; and that too, five years, before the Title of Lord of *Ireland* was altered into King: And by the Act that ſo alter'd it, it is called *The Majeſty, and State of a King Imperial.* And ſo in the firſt of Qu. *Eliz.* (Engliſh) in which the Oath of Supremacy was enacted, the Crown of this Realm is three times called Imperial: And in the third Chapter of the ſame year, as often. And in the 5th. of the ſame Queen, (that requires all Eccleſiaſticks, Graduates in any Univerſity, or Common-Laws, Officers of Court, Attorneys, eve-

Stat. *Hibern.* 28. H. 8. *c.* 2.

Stat. *Hibern.* 33 H. 8. *c.* 1.

1 *Eliz. c.* 1.

and *Cap.* 3.

5 *Eliz. c.* 1.

ry Member of Parliament, under the degree of a Baron, to take the ſaid Oath of Supremacy, before he enter the Houſe, or ſuch Election to be deemed void) calls it *The Dignity of the Imperial Crown.*

1 *Jac.* c. 1. And the Act of Recognition of King *James*, uſes the ſame expreſſion of Imperial, four times. And

Stat. *Scotiæ* 5. *Jac.* 3. c. 3. upon a like ground, of mere Supremacy, was that Act of *Scotland*, before the Union of the Crowns, wherein 'tis ſaid, *Our Sovereign Lord, his full Juriſdiction, and free Empire, within this Realm.* (*Scotland*) And the late Oath, or Teſt, preſcribed to be taken by all perſons in Publick Truſt in that Kingdom, declares the Kings Majeſty the only Supreme Governor of that Realm, over all perſons, as well Eccleſiaſtical as Civil. And the Act of acknowledging and aſſerting

Printed at *Edenburgh*, 1681.

ſerting the right of Succeſſion in that Kingdom, calls it the Imperial Crown of *Scotland*. In all which matters I have been the more particular, that I might the better evince my Reader, that this Independent Sovereignty, and Supremacy of the Kings of *England*, *&c.* has not been the opinion of any one time, but the general conſent of all; and that our Kings, hold their Crowns in chief, from God, and owe no precarious acknowledgments, to the courteſie of the People.

The Kings Power in Eccleſiaſticks.

Nor is the Kings Immediate, Perſonal, Originary, Inherent Power, which he executes, or may execute (*Authoritate Regiâ Supremâ Eccleſiaſtica*) as King, and Sovereign Governor of the Church of *England*, to be leſs conſider'd, it being one of thoſe flowers which make

Sir *H. Hob.* 143.

make up his Crown, and preſerve it in verdure: And here, I queſtion not but it will be granted, that the King is the Supreme Patron, of
Inſt. 1. 94. all the Arch-Biſhopricks, and Biſhopricks of *England*, as being all founded by the Kings of *England*,
*Glanv. l.1.c.7.* to hold *Chriſti Baroniam* (excepting that of *Soder*, in the *Iſle of Man*, which was inſtituted by Pope
Inſt. 4. 285. *Gregory* the Fourth, and may perhaps be the reaſon, why the Biſhop thereof, hath neither Place, nor Voice in the Parliament of *England*) and ſo, were at firſt do-
Inſt. 1. 134. & 344. native, *Per traditionem annuli, & baculi Paſtoralis*, by the delivery of a Ring, and the Paſtoral Staff, or Croſier. And the Biſhop of *Rome* perſuading *Henry* the Firſt to make them Elective, by their Cha-
*Ann. Reg.* 17. pters, refuſed it; But King *John* by his Charter recogniſing the Cuſtom

ſtom, and Right of the Crown, in former times, by the common conſent of his Barons, granted, that they ſhould be eligible; as leaſt doubting, he had ſo far lockt up himſelf, as that he might not be receiv'd, to diſapprove, or allow: for before that, I find, That when he had given a *Conge d' eſlier* to the Monks of *Canterbury*, to Elect an Arch-Biſhop, and Pope *Innocent* the Third, notwithſtanding the Kings deſires of promoting the Biſhop of *Norwich* to it, (whom alſo, they had Elected) had under a Curſe commanded them, to chooſe *Stephen Langton*, with which, for fear of Excommunication they comply'd, the King baniſhes the Monks as Traytors, and writes to the Pope, that he had ſubverted the Liberties of his Crown: by which it appears, that

*Math. Paris*, fol. 213.

Anſw. to Pet. fol. 88.

that he lookt upon himſelf, as the Supreme Governor of the Church of *England*, and that no Arch-Biſhop, or Biſhop, could be put upon him, without his conſent: and what advantage the Kingdom got by this Uſurpation, may be gather'd from the effects, when, after a more than ſix years Juriſdiction, the King Depos'd, and a free Crown put in Vaſſalage, it only open'd a way to thoſe future Broils, between him, and his Barons, which laſted all his time, and wanted no fuel to feed 'em, till towards the latter end of his Son, men began to ſtand at gaze, and as infatuated, or ſtartled at they knew not what, thought it more ſafety to look on, than lend a hand to maſter it: nor had they fully reſolv'd what to do, until the Pope having demanded Homage

mage of *Edw.* 3. and the Arrears of one thouſand Marks *per ann.* for the Kingdoms of *England*, and *Ireland*, (which had been alſo demanded in the 3 of *Edw.* 1. and in caſe of non-performance, threatned to make out Proceſs againſt the King and Kingdom, then at laſt, the ſcales fell from their eyes, and as men got out of a dream, they began to conſider what they had ſtartled at, and as an argument of their recovered Senſes, the Lords Spiritual by themſelves, the Lords Temporal by themſelves, and the Commons by themſelves, unanimouſly reſolv'd, and declar'd, That the King could not put Himſelf, his Realm, or his People in ſubjection, without their Aſſent; and albeit it might, it is (as ſaith Sir *Edw. Coke*) *Contra Legem & conſuetudinem Parliamenti*, contra-

40 *Edw.* 3.

The Act is not in the Statutes at large, but you may find it, Inſt. 4. 13.

*Ibid.* 357.

contrary to the order, and cuſtom of Parliament, becauſe it is a diſheriſon of the King, and his Crown: after which, to avoid all further diſpute, the manner and order of Election of Arch-Biſhops, and Biſhops, and all things relating thereunto, is ſetled by
25 H. 8. c. 2. Statute, *viz.* 1. Negatively, *That no one thereafter be Preſented, Nominated, or Commended to the Sea of* Rome, *for the Dignity or Office of any Arch-Biſhop, or Biſhop within this Realm, or any other the Kings Dominions.* 2, Affirmatively, *That at every avoidance of any Arch-Biſhoprick or Biſhoprick* (as before) *the King our Sovereign Lord his Heirs and Succeſſors, may grant to the Dean and Chapter of the Cathedral Churches where the Sea of ſuch Archbiſhoprick, or Biſhoprick ſhall happen to be void, a Licenſe under the Great Seal,*

*Seal, as of old time hath been accuſtomed to proceed to Election of an Arch-Biſhop, or Biſhop, of the Sea ſo being void, with a Letter miſſive, containing the name of the perſon which they ſhall Elect or Chooſe, by virtue of which, they elect the ſaid perſon, &c. or in caſe of refuſal incur the Penalties of a Premunire.* So that upon the whole, the Election (in effect) is but a matter of form, it is the Kings meer Grant which placeth, and the Biſhops Conſecration, which maketh a Biſhop: Neither do the Kings of this Land uſe herein, any other, than ſuch Prerogatives, as Forein Nations have been accuſtomed unto. Or otherwiſe, what made Pope *Boniface*, ſolicit the Emperor *Honorius*, to take order, that the Biſhops of *Rome*, might be created, without ambitious ſeeking of the Place.

A need-

A needleſs Petition, if ſo be the Emperor had no right, in placing of Biſhops there. Of which, there are ſeveral other inſtances, in a piece of Mr. *Hookers*, touching the Kings Power in the advancement of Biſhops. In ſhort, if before that Act of *Hen.* 8. a Biſhop in *England* had been made a Cardinal, the Biſhoprick became void, but the King ſhould have nam'd the Succeſſor, becauſe the Biſhoprick is of his Patronage. And as to the Arch-Biſhops, and Biſhops in *Ireland*, the reſpective Chapters (of ancient time) upon every avoidance, ſued to the King in *England*, to go to the Election of another, and upon certificate of ſuch Election made, and the Royal Aſſent obtain'd, a Writ iſſued out of the Chancery here, to the Lord Chief Juſtice of *Ireland*, or the Lieu-

This was ſet out by Dr. *Bernard*, in 16 1. in a Book, entituled, *Clavi Trabales*, with the Biſhop of *Lincoln*'s Preface to it, p. 82.

Inſt. 4. 357.

*Ibid.* 359.

Regiſt. 294.

Lieutenant, rehearſing the whole matter, and commanding him to take fealty of the Biſhop, and reſtore him to his Temporalties: But now the courſe is, that ſuch Writs are made in *Ireland*, in the name of the King, who nominates the Arch Biſhops and Biſhops there, as he doth in *England*, and then the Chapter chooſe him whom the King names to them, and thereupon the Writs are made of courſe. Nor were the Kings of *England*, even in thoſe times, excluded, but ſtill acknowledg'd to have Power of Diſpenſation, and other Eccleſiaſtical Acts. And therefore as he firſt gave Biſhopricks and Abbeys, and afterward, granted the Election to Deans, and Chapters, and Covents; ſo likewiſe might he grant Diſpenſation to a Biſhop Elect, to retain any of

*Fitz. N. Brev.* Printed in 1666. 41 E.

*6 Edw. 3. 11.*
*11 H. 4. 68.*

11 H 4. 60. 11 H. 7. 12. his Dignities, or Benefices in *Commendam*: and to take two Benefices; and to a Baſtard, to be a Prieſt: And where the Statute 25 *H.* 8. *c.* 21. ſays, *That all Diſpenſations*, &c. *ſhall be granted in manner and form following, and not otherwiſe*; yet the King is not thereby reſtrain'd, but his Power remains full, and perfect, as before, and he may ſtill grant them as King; for all acts of Juſtice and Grace flow from him: and on this account alſo, he can pardon any Eccleſiaſtical Offence; as Hereſie (for example) is a cauſe merely Spiritual, or Eccleſiaſtical, and yet the King may pardon one convict of Hereſie. And as the King may diſpenſe, or pardon, ſo alſo does that Supreme Power enable him to ſeveral other things relating to Church-matters, which per-

Sir *Hen. Hob.* fol. 146.

Inſt. 3. 238.

*Fitz. N.B.* 662.

pertain not to another. He may found a Church, Hoſpital, or Free Chappel Donative, and whether he ſpecially exempt the ſame from ordinary Juriſdiction, or not, his Chancellor, and not the Ordinary ſhall viſit it: and he may by his Charter licenſe a Subject to found ſuch a Church, or Chappel, and to ordain that it ſhall be Donative, and not Preſentable; and to be viſited by the Founder, and not by the Ordinary. And thus began Donatives in *England*, whereof Common Perſons were Patrons. So he ſhall viſit Cathedral Churches (by Commiſſioners) *Sede vacante Archiepiſcopali*: He may alſo revoke before Induction, by preſenting another, for the Church is not full againſt the King, till Induction: And therefore if a Biſhop Collates, and before Induction

Inſt. 1. 344.

Dyer, 348.

ction dies, by which means the Temporalties come into the Kings hands, the King ſhall preſent to the avoidance, for the ſame reaſon. In ſhort, He is the Supreme Ordinary, and on that account may take the reſignation of a Spiritual Dignity. Neither did the Abbots and Priors in *Edward* the Fourths time think him leſs, when they ſtile him *Supremus Dominus noſter Edwardus* 4. *Rex*; which agrees with the Laws before the Conqueſt in which the King is called *Vicarius ſummi Regis*, The Vicar of the higheſt King. And albeit, Eccleſiaſtical Councils, conſiſting of Church-men, did frame the Laws, whereby the Church Affairs were ordered in Ancient times, yet no Canon, no not of any Council, had the force of Law, in the Church, unleſs it were

*Ibid.* 294.

The ſame 3 *Car.* 1. *c.* 4. Inſt. 4. 342. *Inter Leges Ed. c.* 17.

Mr. *Hooker*, of the Kings Power in matters of Religion, *Cla. Trab.* 72.

were ratifi'd, and confirmed by the Emperor, being Chriſtian: In like manner, our Convocations (that aſſemble not of themſelves, but by the Kings Writ) muſt have, both Licence to make new Canons, and the Royal Aſſent to allow them, before they can be put in Execution; and this, by the Common Law: for, before the Statute 25 *H.* 8. *c.* 19. *A Diſme* (*i. e.* the Tenths of all Spiritual Livings, in ancient times paid to the Pope) granted by them, did not bind the Clergy, before the Royal Aſſent. In a word, the King may make orders for the Government of the Clergy without Parliament, and deprive the Diſobedient. And the Act for ſuppreſſing Seditious Conventicles, has a ſaving to his Majeſties Supremacy in Eccleſiaſtical Affairs. And ſo (I

Inſt. 4. 323.

*Cro. Jac.* 371.

22 *Car.* 2.

hope) I have clear'd this point, That the Kingdom of *England*, &c. is a Sovereign Imperial Monarchy, of which, the King is the only Supreme Governor, as well in all Spiritual, or Eccleſiaſtical Things, or Cauſes, as Temporal.

III. That the Kings of *England* have juſtly uſed the Titles of Emperor, &c. and that from Ancient Ages.

It remains now that I ſhew, That however the Emperors of the Weſt, and Eaſt have ſo much ſtriven, about that great Title of Emperor, or *Baſileus*, that yet the Kings of *England* (as Supreme within their Dominions) have alſo juſtly uſed it, and that from ancient Ages, as no leſs proper to their own independent greatneſs. And here, amongſt many others, we have *Edgar* frequently in his Charters, ſtiling himſelf, *Albionis, & Anglorum Baſileus*, King of *Britain*, and the *Engliſh*. And in one of his, to *Oſwald* Biſhop of *Worceſter*,

*Seld. Tit. of Honor*, f. 17.

*ſter*, in the year 964. and of his Reign the ſixth, *Ego Edgarus, Anglorum Baſileus, omniumque Regum, Inſularum, Oceanique Britanniam circumjacentis, cunctarumque Nationum quæ infra eam includuntur, Imperator, & Dominus, &c.* I Edgar *King of the* Engliſh, *and of all the Kings of the Iſles, and the Ocean lying round* Britain (*i. e. England, Scotland,* and *Wales*) *and of all the People therein, Emperor, and Supreme Lord*; for, the word in this place, bears no leſs, as I have ſhewn it before, in the Word, *Lord of Ireland.* Wherein it is obſervable, that as long ſince as it is, that yet the King of *England*, or *Britain*, was Lord, and Emperor of the Britiſh Sea; which agrees with that of one of his Succeſſors (*Canutus*) when ſitting in a Chair, by the South Shore, he uſed theſe words to the Sea, *Tu meæ*

Sir *Edw. Coke's* Preface to his fourth Report.

*Camb. Brit.* 189.

*meæ ditionis es, & terra in qua ſedeo, mea eſt*; *Thou art of my Dominion* (or Empire) *and the Land whereon I ſit, is mine*; as taking it clearly, that he was the Supreme Lord, and Emperor of both: whence
*Ibid. Seld.* alſo, it is affirm'd by *Belknap* (one of the Juſtices of the Kings Bench 5 *R.* 2.) That the Sea, is of the King Ligeance, as of the Crown
*Inſt.* 4. 343. of *England*. So that *Edward* his Son, in a Charter to the Abbey of *Ramſey*, *Ego Edwardus, totius Albionis, Dei moderante gubernatione, Baſileus*; *I* Edward *by the Guidance, or Aſſiſtance of God, King of* Britain.
*Ibidem.* And *Edwine*, in a Charter of his to the Abbey of *Crowland*, is ſtiled, *Edwinus Anglorum Rex, & totius Britanniæ telluris, Gubernator & Rector*; Edwine *King of the Engliſh, and of all the Britiſh Land, Director, and Governor*. In like manner *Ethelred*,

*red*, in a Charter of his to the Church of *Canterbury*, ſtiles himſelf *Angligenum, Orcadarum, necne in gyro jacentium, Monarchus*, *Monarch* (or ſole Governor) *of the* Engliſh, *the Iſles of* Orkeney, *and all that lie within that Circuit*: but ſubſcribes it, *Ego Æthelredus, Anglorum Induperator, &c. I* Ethelred *Emperor of the* Engliſh. And beſides what I ſaid before of King *William Rufus*, that ſaid he had the ſame Prerogatives in his Kingdom, as the Emperor claim'd in the Empire, in a Charter of his to the Monaſtery of *Shaftsbury*, he ſays, *Ego Willielmus Rex Anglorum, anno ab incarnatione* 1089. *ſecundo anno mei Imperii. I* William *King of the* Engliſh, *in the year of our Lord* 1089. *and of my Empire the ſecond.* And now having brought it thus far, I ſhall in the next place examin the unreaſon-

*Ibid. Seld.* 1

able-

ableneſs of that new Notion, that the King is one of the three Eſtates, and doubt not but to prove the contrary, to any man but him, who will not be perſuaded, tho you ſhall have perſuaded him.

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## SECTION VI.

*That the King is none of the Three Eſtates; in which, two preliminary Objections are examin'd by Reaſon; and anſwered by the manner of the Three Eſtates applying to him. What the Three Eſtates are. To preſume him one of them were to make him but a Co-ordinate Power. The King cannot be ſaid to Summon, or Supplicate himſelf. How will the Three Eſtates be made out, before the Commons came in? With a ſhort Series during the Saxons to the latter end of* Henry III. *in all which time they are not ſo much as nam'd as any conſtituent part of a Parliament, And the time*

*time when probably they firſt came in, to be as they are at this day, one of the three Eſtates. That the Lords Temporal were never doubted but to be an Eſtate. Four reaſons offer'd, that the Lords Spiritual, are one other Eſtate, diſtinct from the Lords Temporal, and one Act of Parliament, in point: With other Authorities to prove the Aſſertion.*

THoſe that would have the King one of the Three Eſtates, ſay, That our Govern- *Object.* 1.
ment is a kind of mixt Monarchy, inaſmuch, as in our Parliaments, the Lower Houſe (as repreſenting the Commons) bear a ſemblance of a Democracy; and the Lords, of Ariſtocracy: And others, That *Object.* 2.
the King, Lords, and Commons, who as Aſſembled joyntly, to the end of Legiſlation, as one Corporation, (and no otherwiſe) are the Law-giver. We'll examin it by reaſon, which *Neque*

——*Neque decipitur, nec decipit uſquam,*

and only commands belief, when
*Sol.* 1. all things elſe beg it. And here, to come as near the wind as I can, that I may the better get up with them; admitting the ſemblance, but not granting the thing, what does this make for them, or ſerve to prove, that yet the Government is not a free Monarchy? becauſe the Supreme Authority (as I ſaid ere while) reſteth neither in the one Houſe, or the other, either joyntly, or ſeverally, but ſolely in the King, at whoſe pleaſure they are aſſembled, and without whoſe Royal Aſſent, they can make no Law, to oblige the Subject. And therefore not denying
*Bodin, l. 2.* *Bodin's* diſtinction, of a Lordly Monarch,

Monarch, a Royal Monarch, and a Tyrannical Monarch, which relateth only to the Power, and Practice of the Monarch; yet the diſtinction of a Supreme, and mixt Monarchy, which deſigneth the manner of the Government, is a contradiction in *Terminis*; becauſe that Government which extendeth it ſelf to more than one, can never be a Monarchy; as is obvious to every one, that underſtandeth the word Monarchy, and was never heard of in our Land, till the men of our late times, inſtead of ſuppreſſing Idolatry, *&c.* had fram'd a new Idol of their own, and having made it as gay as they could, ſet it up, to be ador'd by the Multitude, always prone to admire every thing, they leaſt underſtand: And what muſt the conſequence of it be? but that

the

the Government, muſt be partly Monarchical, partly Ariſtocratical, and partly Democratical, which are in themſelves contrary, and to be governed, by contrary Laws; and if it be impoſſible to make any good, out of two extremes (as Monarchy, and Democracy are) what then ſhall be made of three, confounded among themſelves? or how can it be that Sovereignty (a thing indiviſible) can at one and the ſame time, be divided, between one Prince, the Nobility, and the People, in common, and not to be altogether, a State Popular; or at beſt a *Venetian Republick*, wherein albeit there be but one Duke (and He for life) yet, his perſon being not inveſted with the Supreme Power of Government, he is in effect, but

*Ibid. Bodin.*

——*Magni nominis umbra.*

And

And as to the other, That the King, Lords, and Commons as one Corporation (and no otherwiſe) are the Law-giver; here, I take the King to be in a worſe condition; for, tho to the making of an Act, the concurrence of both Houſes is neceſſary, yet of no effect, if the King diſapprove: yet, the Caſe of a Mayor, Aldermen, and Burgeſſes (or whatever other the ſtile of the Corporation be) is wholly different; for they, meeting together (by the Princes grant) in a kind of Democratical Common-Council, for the better Government of the place where they reſide, order every thing, by moſt Voices, wherein the Mayor himſelf, has but one, and is concluded by the greater number; but the King, having no Voice (nor any one to repreſent him) in the diſ- *Sol.* 2.

cuſſive

cuſſive part of any Act, cannot be ſaid to give his Royal Aſſent, as one of the Corporation, but by his inherent Legiſlative Prerogative: and how improper the contrary is, will further appear, in that a Common-Council, put what By-Laws they pleaſe, upon the Mayor, as long as they are not contrary to the Law of the Land, becauſe he has no negative upon them. But in caſe of a Sovereign, the firſt mark of it (as I have ſhewn before) is the Power of making Laws; now, who ſhould thoſe Subjects be, that ſhould yield Obedience to that Law, if they alſo had the Power to make Laws? or who ſhould that Prince be, that could give the Law, being himſelf conſtrain'd to receive it of his Subjects, unto whom alſo, he gave it? A thing, not only incompatible,

patible, but even abſurd, from every days Practice and Experience: for, do not the Three Eſtates of this Kingdom upon the paſſing of all Bills, addreſs themſelves to his Majeſty; in the moſt humble Stile? As that of the Petition of Right, *Humbly ſhew unto our Sovereign Lord the King, the Lords Spiritual, and Temporal, and Commons in Parliament Aſſembled*, &c. So to King *James*, *Moſt dread, and moſt gracious Sovereign, We your moſt Loyal, and Humble Subjects, the Lords*, &c. So to Queen *Elizabeth*, *Moſt dread Sovereign Lady*, &c. *We your moſt Humble, Faithful, and Obedient Subjects, the Lords*, &c. So to Queen *Mary*, *We your Highneſs moſt Loving, Faithful, and Obedient Subjects*, &c. *do beſeech your moſt Excellent Majeſty, that it may be Enacted*, &c. So to *H.* 8. *In their*

The manner of the Three Eſtates applying to the King.

3 *Car.* 1.

1 *Jac.* 1.

1 *Eliz.* 3.

1 *Mar. Seſſ.* 2.

28 H. 8. c. 7. *moſt humble wiſe, ſhewn to your moſt Royal Majeſty, the Lords,* &c. And
1 *Rich.* 3. ſo to *Rich.* 3. and backward, *By the Advice, and Aſſent of the Lords,* &c. *at the requeſt of the Commons.*
3 *Edw.* 4. To *Edw.* 4. *By the Advice and Aſſent of his Lords Spiritual and Temporal, and at the ſpecial Requeſt of his Commons.* To *H.* 6. *By,* &c. *and at the ſpecial inſtance and requeſt.* To *H.* 5. the ſame. To *H.* 4. *At the inſtance, and ſpecial requeſt.* To *R.* 2.
4 *Edw.* 3. the ſame. In *Edw.* 3.'s time, *Theſe things underwritten at the requeſt of the Commons, be Eſtabliſhed, and Enacted, by our Lord the King, his Prelates,*
25 *Edw.* 3. *Earls, and Barons; ſo by the Aſſent, and Prayer of the Great men, and the Commons.* And in *Edw.* 1.'s time,
1 *Edw.* 1. At the requeſt of the Commonalty, by their Petition, made before him, and his Council in Parliament; as may be further ſeen in the

the Statutes at large, till ye can go no further backward, than, the King commandeth: In which alſo, I have been the larger, that by the conſent of all times, I might ſhew, that this is not after the manner of Corporations, or the Language of Equals; and ſhall be my firſt Argument, why the King is none of the Three Eſtates. *Stat de Scac. 51 H. 3.*

2. This will further appear, if we ſhall conſider, who theſe Three Eſtates are: And thoſe, I take to be, the Lords Spiritual, *viz.* Arch-Biſhops, and Biſhops, who ſit in Parliament by Succeſſion, in reſpect of their Baronies, parcel of their Biſhopricks. 2. The Lords Temporal, as Dukes, Marqueſſes, Earls, Viſcounts, Barons, who ſit there by reaſon of their Dignities, which they hold by Deſcent or Creation; and the third What theſe Three Eſtates are. *Inſt. 4. f.*

Eſtate, the Commons of the Realm, *viz.* Knights of Shires, Citizens of Cities, and Burgeſſes of Burroughs, reſpectively Elected, by force of the Kings Writ; which three Eſtates, Sir *Edw. Coke* ſaith) the French-men call, *Les Eſtates*, or *L' Aſſemble des Eſtates*: And *Philip de Comines*, (ſpeaking how the *Engliſh* grant Subſidies) *Convocatis* (ſaith he) *primis ordinibus*, *& aſſentiente Populo*; The firſt, or chief Eſtates, being call'd together, and the People aſſenting: And *Bodin* (who by his Conference with the *Engliſh* Embaſſador, for ſo himſelf confeſſeth) wherever he ſpeaks of the Conſtitution of *England*, calls it the King, and the Three Eſtates of the Realm: Like which, The *Republick* of the Kingdom of *Poland*, in the *Interregnum* between the Death of

Inſt. 1. 110.

*Lib.* 5. 233.

*De Repub. l.* 1.

*Coll. Fr. Taaffe* his Speech to them, from the Duke of *Lorain*, 1674.

of one King, and the Election of another, is ſtiled, *Sereniſſimæ Reipublicæ Regni Poloniæ, &c. Congregati Ordines*: The Eſtates Aſſembled: And ſuch were the *Ampliſſimi Ordines*, among the *Romans*; *viz.* the Senate, of whom the Emperor was no part; and ſignifies with us, The Eſtates of People, among our ſelves, *viz.* The Clergy, The Nobility, and the Commons, which, being duly Aſſembled, we call, a Parliament: And ſo Sir *Henry Spelman* ſpeaking of the word Parliament, ſaith, it is, *Solenne Colloquium, omnium Ordinum Regni, authoritate ſolius Regis, ad conſulendum, ſtatuendumque de negotiis regni indictum. A Parliament* (ſaith he) *is a Solemn Conference of all the Eſtates of the Kingdom, commanded together, by the ſole Authority of the King, to Conſult and Order the*

Sir *H. Spelm. Gloſſ.* f. 449.

*Affairs of the Realm.* From whence it muſt neceſſarily follow, that the King is none of them, but as the Apoſtle ſays (ὡς ὑπερέχοντι) as having the preheminence over them; for, *Quicquid efficit tale, eſt magis tale*, Whatever is the cauſe of any thing, is greater than the thing cauſed.

1 Pet. 2. 13.

To preſume him ſuch, were to make him but a Co-ordinate Power.

3. To preſume the King to be one of the Three Eſtates, were to make him but a Co-ordinate Power, and conſequently, concludible by the other two; for, *Par, in Parem, non habet imperium*, Among Equals there is no Authority: whereas, the Supreme Title of King, is diſtinguiſh'd from others, in this, that it acknowledges no other Superior: And *Bodin*, ſpeaking of a Supreme Monarch, ſaith, He is next to God, of whom he holdeth his Scepter, and

and is bound to no man. And to the ſame purpoſe *Berkly*,

——*Regum cognata Potentia cœlo.* Bar. Arg. l. 1.

Whence it naturally follows, that this Honor is not to be ſhar'd with another.

4. Which is a negative inſtance. (And one Negative inſtance (ſaith the Lord *Bacon*) is of more force, to unfix a pretending Rule, than two Affirmative to eſtabliſh it.) If the King were one of the Three Eſtates, he ſhould be Summon'd by Writ; but becauſe all Writs Iſſue in his Name, it cannot be ſaid, that he can Summon himſelf, or Supplicate himſelf, as both Houſes do him; or not to have Power to depart, without leave, *i. e.* of himſelf, ſeeing they have no Power to Aſſemble, Determin, or De-

He cannot Summon himſelf. *Novum Organ. Aphor.* 46.

part, without the Kings expreſs Commandment.

Where were theſe three Eſtates, before the Commons came in to be a third Eſtate?

5. If the King were one of the Three Eſtates, then it follows of courſe, as undeniable, that before the Commons became a Third Eſtate, and a Conſtituent part of a Parliament, as they are at this day, That the King muſt have been one Eſtate, The Lords Spiritual a ſecond, The Lords Temporal a third; or otherwiſe there could not have been Three Eſtates: and, now the Commons, ſince the Writs for their Election, being become another, what hinders, but that they make a fourth? unleſs (perhaps) we deny the Lords Spiritual to have been one, and then, before the Commons, there could be but two. To examin it a little:

That

That Great Councils of Kings, their Nobles, Wiſe men, and Chief Officers, were frequently held, of Ancient time, there is hardly any thing more obvious; but, whether the Commonalty, ſcarce yet civiliz'd, or if ſo, for the moſt part, if not wholly, without Literature, were any eſſential or conſtituent part, of thoſe great Councils, and Government, might be a queſtion at this day, if there were any ſufficient ground, on which to raiſe it. *Convocavit David omnes Principes Iſrael, Duces tribuum, & Præpoſitos turmarum, qui miniſtrabant Regi: Tribunos quoque & Centuriones, & qui Præerant ſubſtantiæ Regis; filioſque ſuos, cum Eunuchis; & Potentes, & robuſtiſſimos quoſque in exercitu, Jeruſalem.* David *called together all the Princes of Iſrael, the Leaders of the Tribes, and the Captains* 1 Chron. 28. 1.

of

*of the Companies that ſerved under him, and the Captains over the thouſands, and the Captains over the hundreds, and the Stewards over all the ſubſtance and poſſeſſion of the King; and his Sons, with the Officers and mighty men, and valiant men, unto Jeruſalem.* By which you ſee, of what perſons, this great Council conſiſted; all, men of the firſt note, and not a word of the people. In like manner *Solomon*, *Congregavit majores natu Iſrael, & cunctos Principes tribuum, & Capita familiarum, de filiis Iſrael, in Jeruſalem. He aſſembled the Elders of Iſrael, and all the rulers of the Tribes, and the heads of the families, of the children of Iſrael, to Jeruſalem:* And here too, not a word of the People; and yet, Sir *Edw. Coke* calls them both Parliaments; and ſo no doubt but they were ſomewhat like it, or otherwiſe, ſo many

2 Chron. 5. 2.

Inſt. 4. 3.

ny ſucceeding Centuries had never took pattern from them.

Not to run ſo far from home. What was our *Saxon Witenage mote*, *Micel Synods*, *Micel Gemotes*, or Great Councils, but ſo many Aſſemblies of the Wiſe men; concerning whom, it is not to be preſumed, but that they were of the firſt rate; the lump of the People (as I ſo lately toucht it) being for many Ages, before, and after, not bred to Letters, and conſequently, more apt for Blows, than Arguments, and readier to cut the knot in two, with their Swords, than unty it with their Tongues: and in all the *Saxon* Annals we find the principal, or chief Wites, or Wiſe men of the Nation, the Aſſembly of Gods Servants (the Clergy, then ſo called) Aldermen (or Earls) Great men, Chiefeſt men, Noble-

Auſwer to Mr. *Petit.* 19, 20.

Sir *H. Spelm. Gloſſ.* 450.

Noblemen, the conſtituent parts of thoſe great Councils, but no Commons to be found, or any that repreſented them. Neither does Sir *Edw. Coke*, in any Authority of his, before the latter years of *Henry* 3. prove any where, that the Commons at that time, were any ſuch part of thoſe Parliaments, for if they had, there is no queſtion, but he would have nam'd them alſo; as he doth thoſe others, that made up thoſe Parliaments. *Rex Eldredus, convocavit Magnates, Epiſcopos, Proceres, & Optimates, ad tractandum de publicis negotiis regni*, King Eldred (ſaith he) *call'd together his Earls, Biſhops, Barons, and Chief men*; but not a word again of the Commonalty: And with this, agrees the learned Mr. *Selden*, where we have ſeveral other inſtances, to the ſame purpoſe,

Inſt. 4 3.

For ſo Mr. *Selden* takes the words, *Tit. Hon.* 580.

*Ibid.* 524.

poſe, but not one word in any of them, touching the Commons.

And as the *Saxon* Great men, were only preſent; in their Great Councils, ſo were only the *Norman* Barons, and their Great men, in thoſe of the Conqueror: for, we often meet Arch-Biſhops, Biſhops, Earls, Barons, but no where find the leaſt mention of the Commons: neither is it to be believ'd, that his new acqueſt, would yet ſuffer him, to truſt a People, he had ſo lately conquer'd, or that he made to himſelf, other meaſures, than what he took from his Sword. Anſwer to Petit. 44. 46.

And as to *William Rufus* his time, we find it the ſame; for in the ſixth year of his Reign, there was a Great Council held at *Winchester*; and in the ſeventh, another at *Rockingham*: and in the tenth, *Ibid.* Anſw. 52.

Seld. Tit. Hen. 581. tenth, *De ſtatu regni acturus, Epiſcopos, Abbates, & quoſque regni Proceres in unum, præcepti ſui ſanctione egit.* Being to order ſome Affairs of the Realm, he commanded together the Biſhops, Abbats, and all the Nobility of the Kingdom; and yet all this while, not a word of the Commons.

In like manner, albeit in the firſt of *Henry* 1. *Clerus Angliæ, & Populus univerſus, &c.* the Clergy, and all the People were Summon'd to *Weſtminſter*; yet here the word *Populus*, is uſed, as contradiſtinct, to the Clergy, to which it is oppoſed; and denotes not, any diſtinct State, or Order, among Secular men, or Laicks; but an Order and Eſtate of men, diſtinct, from the Eccleſiaſticks, or Clergy; theſe two words of *Clerus*, and *Populus*, being the two general States, or Orders,

Ibid. Anſwer, 56, 57, 58.

Orders, into which all mankind is divided: And ſo he cites it, as quoted by Sir *Will. Dugdale*, touching the Coronation of King *Egbert*, *Veniunt Wintoniam*, *Clerus & Populus*; *The Clergy and People came to* Wincheſter. To which alſo Mr. *Selden* gives a great light, when of the ſame Council he ſaith, *Ad commune concilium Baronum meorum*, is mentioned in it. Or what means that other of the third of the ſame King, wherein they are call'd, *Primates utriuſque ordinis*, The Chiefs of both Orders, *i. e.* of the Clergy, *viz.* the Lords Spiritual: and of Laity, *viz.* the Nobles, who are alſo called, *Principes Regni*, The Chief, or Head men of the Kingdom; of which alſo we have ſeveral inſtances, in that (beloved Phyſician's) ingenuious, learned Anſwer to Mr. *Petit*.

*Monaſt. Ang'.*

*Tit. Hon.* 581.

*Pet.* 61,62,63.

Nei-

Neither does it appear, that the Great Councils in King *Stephen*'s time, conſiſted of any other, than the Clergy, and the Nobility, there being not the leaſt mention of the *Milites*, or *Liberi hômines*, Knights, or Free-men, or that they acted in them. But from theſe Uſurpations, we come to *Hen.* 2. who (*Robert* Duke of *Normandy* being dead) came in upon a rightful Title, from his Grand-father, *Henry* 1. and yet, the Great Council at *Clarendon*, which was the 10th. of his Reign, conſiſted only of Arch-Biſhops, Biſhops, Abbats, Priors, Earls, and Chief men, of the Kingdom; and albeit Mr. *Selden* (as himſelf from *Hoveden*) ſays, That *Clerus*, and *Populus Regni*, the Clergy, and People of the Land, were then Aſſembled, it appears not, that any other Eſtate was meant

meant by the word *Populus*, than the Lay Nobles: For, at the great Council of *Northampton* (which was the following year) *Rex Statuens celebrare ſolenne Concilium, omnes qui tenebant de Rege in Capite, mandari fecit.* The King having reſolv'd to hold a Great Council, he Summon'd thither, all thoſe, that held of him, in *Capite*, *i. e.* in Chief. Now to hold in Chief of the King, is to hold of him immediately, and merely as King, and of his Crown, as of a Seigneury in Groſs, and in Chief, above all other Seigneuries, and not as of, or by means of ſome Honor, Caſtle, or Mannor, belonging to the Crown. And in the preceding leaf, Mr. *Selden* ſays, *Tenere de Rege in Capite, & habere poſſeſſiones ſicut Baroniam*, are Synonimies; and, to hold in Chief, and to have their

*Tit. Hon.* 583.

Sir H. Spelm. Tit. Baro.

Poſſeſſions as Baronies, was to have the right of ſitting in Councils, with the reſt of the Barons: concerning which, it does not yet appear, that the Commonalty at that time, had any.

From thence, and during the Reign of King *Richard* the Firſt, and until the 15th. of K. *John*, we find it the ſame; only at that time, the King being at *Rochel* in *France*, commits the cuſtody of *England* to the Biſhop of *Wincheſter*, then Chief Juſtice, and writes to his Barons, Knights, and to all his Feudataries, or Vaſſals, thro *England*, That he had received the Popes Letters, touching the releaſe of the Interdict (under which the Kingdom then lay, and of which, I toucht before) which he had ſent to the ſaid Biſhop; and therefore requires them, as of whoſe kindneſs,

and

and fidelity, he had full confidence, that according to what the ſaid Biſhop ſhould then ſay unto them, they would effectually give their advice, and aid: as in like manner, he writes to ſeveral other Cities, and Burroughs, thereby earneſtly requiring them, that according to what the ſaid Biſhop ſhall give them to underſtand, that they effectually apply themſelves to give him a ſupply, towards the relaxation of the ſaid Interdict; and thereby alſo promiſes them a re-payment with thanks: ſo, that He only borrows Mony of them on that particular occaſion, but does not in the leaſt hint, or direct them to ſend their Proxies, or Repreſentatives, to any Great Council to be then call'd: as we have it, and the Hiſtory of that time, more at large, in the ſaid Anſwer to Mr. *Petit*. *Pet.* 80. *ad* 99.

And now, having offer'd thus far to this matter, I ſhall go on with the reaſon of thoſe times, which I take to be thus. *William* the Conqueror having ſubdu'd *England*, began now to conſider the way of ſecuring it; and to that purpoſe (as it is in the Proverb) cut large thongs out of other mens hides) and (as a reward of the Service done him) granted a certain compaſs or circuit of Land, unto ſuch of his Chief men, as had aſſiſted him, in the acquiſition, to them and their Heirs, to dwell on, and exerciſe ſuch Juriſdiction therein, as he thought good to grant; performing alſo ſuch Services, and paying him ſuch yearly Rent, as the Grant required: they again parcell'd this Land, to ſuch other meaner men, as had follow'd them in the Expedition, under ſuch Ser-

Services, and Rents, as they thought fit; and by this means, as thoſe Great men became Tenants to the King in Chief, ſo the Inferiors became Tenants to them, who (as Superiors) exerciſed a kind of little Kingſhip over them: The King and his Succeſſors being Supreme Lords of the whole, and impoſing from time to time, ſuch Laws, as by the advice, and aſſent of thoſe his Barons, were thought expedient, and unto which, *Conſentire inferior quiſque viſus eſt, in perſona Domini ſui capitalis, prout hodie per Procuratores Comitatus, vel Burgi, quos in Parliamentis*, Knights and Burgeſſes *appellamus*; to which, every inferior (ſaith he) was preſum'd to conſent, in the perſon of his Chief Lord, from whom he held; as at this day, by the Repreſentatives of Counties, and Burroughs in

Sir *H. Spelm. Gloſſ.* 451.

Parliament, whom we call Knights and Burgeſſes: and certainly, there is no doubt to be made, but that if there had been any ſuch privilege, of ancient time, belonging to the People, that the Hiſtorians of thoſe times would not have paſs'd ſo material a thing in ſilence, eſpecially conſidering how many of leſſer account, are every where found among them. *Polidor Virgil*, would have the Commons to have been brought into thoſe great Councils, in the 16th. of *Henry* I. Sir *Walter Raleigh*, about the 18th. of that King; but Sir *Henry Spelman* will not allow it; his words are theſe,

*Ibidem.* *Sine ut ſodes dicam, collegiſſe me centenas (reor) conciliorum edictiones (tenoreſque ipſos plurimorum) ab ingreſſu Guilielmi* 1. *ad exceſſum Hen.* 3. *exiſtentium, nec in tanta multitudine, de plebe,*

*plebe, uſpiam reperiſſe aliquid, nil in his delituerit. Give me leave* (ſaith he) *to ſpeak frankly, I believe, I have collected an hundred Acts of Councils* (*and the forms of moſt*) *from the coming in of* William *the Firſt, to the going off of* Henry *the Third; nor in ſo great a number have I any where found any thing of the Commonalty, nothing of it lies in them.*

The time when it is moſt probable they firſt came in.

And yet, it may be probable, that *Henry* the Third, toward the end of his long, but troubleſome Reign, brought them in, to counterpoiſe the Factions of his ſeditious Barons: for, tho at the making of the Statutes of *Merton*, 20 *H.* 3. there is not the leaſt mention of the Commons, yet in thoſe at *Marleborough*, they are thus named, *The more diſcreet men of the Realm, being called together, as well of the higher, as of the lower Eſtate.* And *vide Stat.* 52 *H.* 3.

in the Title of the Statute of *Weſtminſter* the firſt, made in the third of *Edw.* 1. (who, as he was firſt of his name, after the Conqueſt, ſo he was the firſt, that ſetled the Law, and State, and freed this Kingdom, from the Wardſhip of the Peers) it is thus ſaid, *Theſe be the Acts of King* Edward, *Son to King* Henry, *made at* Weſtminſter, *at his firſt Parliament*, &c. *by his Council, and by the Aſſent of Arch-Biſhops, Biſhops, Abbots, Priors, Earls, Barons, and all the Commonalty of the Realm, being thither Summoned*, &c. And ſo, that word Parliament, which (as Sir *Henry Spelman* ſays) in King *John*'s time, *nondum emicuit*, was not yet got up, other than by the name of (*Commune Concilium Regni*) *The Common-Council of the Kingdom, came in uſe, as it is now taken, and the Commons, as they are at this*

Gloſſ. 452.

*this day, an eſſential, and conſtituent part of the ſame, and a third Eſtate.*

6. That the Lords Temporal are one Eſtate of the Realm, was never doubted; Mr. *Selden* begins his Privilege of Baronage with it: and when the Commons came in to be another, I queſtion not but I have fully prov'd; and if now I ſhall make it appear, that the Lords Spiritual are one other Eſtate of the Realm, diſtinct and ſeparate, from the Lords Temporal (I hope) I ſhall have gain'd my point, and that the King is not one of the Three Eſtates. In order to which,

The Lords Temporal one great Eſtate.

1. The Lords Spiritual ſit in Parliament, by a different Right, from the Lords Temporal, *viz.* by Succeſſion, in reſpect of their Counties, or Baronies, parcel of their Biſhopricks; and the others, by

The Lords Spiritual one other diſtinct Eſtate from the Lords Temporal. Inſt. 4. 1.

by reaſon of their Dignities, which they hold, by Deſcent, or Creation.

2. They ſit in Parliament, in a different Robe, and on a different ſide of the Houſe, from the Lords Temporal, and are commanded thither by a different form in the Writ, *viz.* *In fide, & dilectione, &c.* And the Lords Temporal, *In fide & ligeancia, &c.*

Seld. Tit. Hon. 594.

3. They have a Convocation by themſelves, conſiſting of an Upper Houſe, *viz.* Arch-Biſhops, and Biſhops; and a Lower Houſe, *viz.* the *Procuratores Cleri*, called together by the Kings Writ, and have the ſame Privilege for themſelves, their Servants, and Familiars, as other Members of Parliament; and grant their Subſidies apart, and diſtinct from the Lay Nobles; as may be ſeen by the reſpe-

Inſt. 4. 322.

8 H. 6. c. 1.

reſpective Acts, by which they have been granted, as alſo, ratifi'd, and confirmed.

4. The general ſtile of all Acts of Parliament hath been ſuch, that ſometimes the Eccleſiaſtical Lords are reſpectively named, as Archbiſhops, Biſhops, Abbots, Priors; as well as the Temporal Lords: and ſometimes, by the incluſive name, of the Prelates; and ſo to the 10th. of *Richard* 2. where it is ſaid, *By the Aſſent of the Lords and Commons*: under which general words, of the Lords, they ſeem at firſt to be included, as if they were but one Eſtate with them; were it not in the 13th. of the ſaid King, again ſaid, *Of the Aſſent of the Prelates, and Lords Temporal, and Commons.* And in another, of the 20th. *By the Aſſent of the Prelates, Lords, and Commons*; and in

*Stat.* 1 E. 1.

*Stat.* 13 E. 1

in the 14. 15. 16. and 17. of the ſame King, *By the Aſſent of his Parliament*; and, *the Parliament*; and none of them named apart: from which time, till the 4th. of *Henry* 4. the word, Prelates, was again continued, and then, thus altered, *viz. By the Aſſent of the Lords Spiritual, and Temporal, and at the ſpecial inſtance, and requeſt of the Commons*; and in the fifth of the ſame King, *By the Advice and Aſſent of his Lords Spiritual, and Temporal, and at the requeſt of the Commons*; which ſo continued without any variation in ſubſtance, until the 18th. of *Henry* 6. at what time it became, as we have it now, *viz. By the Advice and Aſſent of the Lords Spiritual, and Temporal, and the Commons.* Beſides, if the Lords Spiritual were not a third Eſtate, what is the reaſon that at the making of the

the Statute of *Præmunire*, that the Commons having declared, that they would ſtand to the King, in the defence of his Liberties; and praying, that all the Lords, as well Spiritual, as Temporal ſeverally, and all the Eſtates of Parliament, might be examined, how they thought of that matter. The Lords Temporal, being ſo demanded, anſwered every one by himſelf; and in like manner, the Lords Spiritual, ſeverally examin'd, anſwered by themſelves: which affords me a double Argument, 1. That by all the States of Parliament there muſt be neceſſarily intended, more than two, if it were for no other reaſon, than mere propriety of Speech. 2. That the King could not make up, that other, or third Eſtate; becauſe, he is deſired to examin all the States

ſeve-

ſeverally, which he could not do, if he had been one of them himſelf: ſo in the 40th. of *Edw.* 3. (which I ſhould have named firſt) when the King asks advice of his Parliament, Whether King *John* could have ſubjected the Realm, as (what in him lay) he did, The Prelates by themſelves, the Dukes, Earls, and Barons by themſelves, and the Commons by themſelves, anſwered, That he could not. From which, nothing ſeems clearer to me, than that the Lords Spiritual, are one Eſtate, diſtinct from the Lords Temporal; or otherwiſe, what needed they have been examin'd, by thoſe ſeveral names, of Spiritual, and Temporal, or as ſeverally anſwer'd, by the ſame appellations.

40 *Edw.* 3.

An Act of Parliament in point.

5. And now, if yet there remain'd any doubt, we have one Act

Act of Parliament, clear in point; where, the queſtion being, whether the making of Biſhops had been duly and orderly done, according to Law, the Statute ſays, 'which is much tending to the ſlan-'der of all the State of the Clergy, 'being one of the greateſt States of 'this Realm. And ſo, having found Three Eſtates, without the King, I think (in good manners) we ought to ſpare him. 8 *Eliz. c.* 1.

I have hitherto offered ſome Reaſons, nor without their Authorities. I come now to ſomewhat more direct, if yet, thoſe of the 40th. of *Edw.* 3. the 16th. of *Rich.* 2. and the 8th. of Qu. *Eliz.* laſt mentioned could be thought otherwiſe. I'll begin with the Statute of *H.* 8. where this Kingdom is called an Empire, governed by one Supreme Head, and King, unto whom

Expreſs Authorities to prove the King none of the Three Eſtates.

whom a Body Politick compact of all ſorts, and degrees of People, divideth in Terms, and by names of Spiritualty, and Temporalty been bounden: and who can believe, that the Authority of a Parliament, ſhould utter any thing in Parables, or under double meanings, contrary to the common ſenſe of the expreſs words, or that there was ever intended, by the words, (divided in Terms, and by names of Spiritualty and Temporalty) ſo many mere words, and no more? However, to take off all doubt, Sir *Edw. Coke* ſays, *The High Court of Parliament conſiſteth of the Kings Majeſty, ſitting there, as in his Royal Politick Capacity, and of the Three Eſtates of the Realm,* viz. *the Lords Spiritual, the Lords Temporal, and the Commons*: And ſo *Cowel*, *The word Parliament, in* England,

Inſt. 4. 1.

Cowel Interp. Tit. Parliam.

England, *we uſe it for the Aſſembly of the King, and the Three Eſtates,* viz. *the Lords Spiritual, Lords Temporal, and the Commons.* And, Title *Statute*, he ſaith it ſignifieth, a Decree, or Act of Parliament, made by the Prince, and the Three Eſtates; unto whom (as I ſaid before) they are ſubordinate, in the Legiſlation, and of no Power of themſelves, but joyned to their Figure, have the full ſtrength of their places: which in ſhort we may thus farther demonſtrate, under the familiar inſtance of a Dean, and Chapter; of whom, the Dean is no part, but (*Caput Capituli*) the Head of them. And now if any one ſhall demand, why this term of the Three Eſtates does not ſo frequently occur to us, of Ancient time; I anſwer, That before the Commons were brought

in, there was no thought of it; and ſince that time, no diſpute of it; until of late, where many a worſe twig was (even learnedly) made uſe of, to ſtilt, and bolſter a Ricketed Cauſe. However, it is not too late, that the Point is cleared now. And ſo we have it, in the Act for Unifermity of Publick Prayers, made the 14th. of this King, where the Form of Prayer, for the Fifth of *November*, is thus entitled, *A Form of Prayer, with Thanksgiving, to be uſed yearly, on the Fifth day of* November, *for the happy deliverance of the King, and the Three Eſtates of the Realm*, &c.

And with this agrees the Kingdom of *Scotland*, of which, Mr. *Cambden*, in his Hiſtory of *Britain*, ſays, That their Supreme Court, is their Parliament, which conſiſteth of Three Eſtates, The Lords Spiri-

*Tit. Scotland*, fol. 7, 8.

Spiritual, the Lords Temporal, and the Commons, for Cities, and Burghs: of which, the King is *Directus totius Dominus*. And ſo a Parliament of that Kingdom reckons them: It is ordained by the King, by Conſent, and Deliverance, of the Three Eſtates. And the Act of aſſerting the Kings Supremacy over all Perſons, and in all Cauſes Eccleſiaſtical; and the late Indictment, againſt *Argile*; and the Acts, for the Acknowledging, and Aſſerting, the Right of Succeſſion, to the Imperial Crown of *Scotland*: And that other, for ratifying all former Laws, for the ſecurity of the Proteſtant Religion, agree in point with it: Nor is it ſtrange they ſhould, inaſmuch, as neither their Langue, nor their Laws, eſpecially, ſuch as are criminal (as may be ſeen, by compa-

Stat. of *Scotl.* 3 *Jac.* 1. *c.* 48.

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All Printed at *Edenbr.* 1681.

ring their *Regiam Majeſtatem*, with our *Glanvil*, *De Legibus*, written in *Henry* the Second's time) much differ from ours: And the Union of the two Crowns, in the Perſon of King *James*, is called, An Union, or rather, a re-uniting of two Mighty, Famous, and Ancient Kingdoms, yet anciently, but one. And that the Laws of *Ireland* (a diſtinct Realm, or Kingdom, from both) ſay nothing of this matter, I take it to be, for the ſame reaſon, that the *Romans* made no Law againſt Parricide, They never dreamt it.

Engliſh Stat. 1 *Jac. c.* 1.

Inſt. 4. 351.

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## SECTION VII.

*Admitting what has been before offer'd, wherein has our preſent King merited leſs than any of his Royal Anceſtors? with a ſhort recapitulation of Affairs, as they had been, and were at his Majeſties moſt happy Reſtauration: and that he wanted not the means of a juſt Reſentment, had he deſign'd any.*

I Have hitherto ſhewn, that the Crown of *England*, &c. is Supreme, Sovereign, and Imperial; nor will it be from the purpoſe now, to demand, Wherein has our preſent King, leſs merited, than any of his Regal Anceſtors, that it ſhould appear leſs on his Head, than theirs; eſpecially conſidering he is ſo far from not getting up to 'em, that (his Royal Father only excepted) he has out-gone them all in his own example; albeit he

wanted not the too many juſt occaſions of having been otherwiſe. To recapitulate ſome few of them; nor is it leſs than fit, to burn Incenſe, where ill Odors have been caſt, or rais'd. To have ſeen (then) three famous Kingdoms, that had ſo often acknowledg'd his Princely Progenitors, their undoubted Heirs, (like *Æſop*'s Pots) broken, againſt one another: To have examin'd the Quarrel, of which (whatever were the pretences) nothing other was in the bottom, than to kill the Heir, and divide the Inheritance: To have beheld his Glorious Father, Diſarm'd by one Party, and in that condition, left to the growing deſigns of another, and the mercileſs Cruelty of both: To have conſider'd him, not forſaken only, but ingratefully edg'd forward to his

A ſhort Recapitulation of Affairs, before his Majeſties return.

his Deſtruction, by thoſe Muſh-romes, whom his Royal Influence had fermented into ſomewhat: To have recollected his many Meſſages, fruitleſs Treaties, and that after all condeſcenſions, nothing would content them, without the Kingdom alſo: If there be yet room for a thought; to have remember'd (after the Faith of both Houſes given him) how he was brought to *Jeruſalem* to be Crucifi'd by the Jews: To have once more remembred, Him, The Fountain of all Law, Juſtice, and Honor, publickly arraign'd, by the Tail of the People, and that too, under the falſe detorted names of Law, Juſtice, and Honor of the Nation, not without the *Fucus* of their Religion alſo, brought in, to ſanctifie the Ordinance: To have remember'd

him (I say) Traiterously Sentenc'd by his own Subjects, and as ignominiously (even while the Heads of the Faction (as the Phrase of that time was) *Were seeking God*) *Infesto Regibus exemplo, Securi percussum*, and Murder'd before his own Palace; Kingly Government abolish'd; the Name, Stile, Title, and Test of the King, alter'd into, *The Keepers of the Liberty of* England, *by Authority of Parliament*: That notion of a Parliament too, which by the same fatal blow, cut themselves off, also: Let me not seem tedious, to have remembred himself, Proscrib'd, and thereby, made High Treason, to Proclaim him King; The Oaths of Allegiance, and Supremacy damn'd; The Royal Ensigns defac'd; The Coin alter'd; The Regal Statue thrown

Part of the Epitaph, of *Mary* Queen of *Scots*.

*Scobel's* Collection of Acts, 1648.

thrown down, and under that Vacancy, Engraven, *Exit Tyrannus, Regum ultimus, Anno Libertatis reſtitutæ, primo*: In ſhort, to have remembred his helpleſs Friends, either ſtarving at Home, or by not complying, neceſſitated into Forein Arms, and not the leaſt number of them, ſo unfortunate, as to have ſurviv'd the Ruines of their (once) Families; and laſtly, the more unhappy himſelf, that could only look on and pity them.

——*Quis talia fando,*
*Temperet?*——

What private Gentleman could have born it? But perhaps you'l ſay, he wanted the opportunity; I think not: For if we conſider him, as he was at that time, not only

That he wanted not opportunities of reſenting thom, had he deſign'd it.

only return'd from his Fathers Allies, but the ſame Profeſt Son of the Church of *England*, he firſt went out, and in that, the Darling of the People; what particular perſon, or number of men, might he not have ſingled from the Herd, as a juſt Sacrifice to his Fathers Aſhes, and his own Revenge; had he deſign'd any? He had an Army at his beck; The Navy regenerated; All Forts, and Garriſons re-inforc'd with Royaliſts; The Country return'd to its former Allegiance; and the City, crying out, *Yea, let him take all, ſince my Lord the King is return'd to his own Houſe in peace?* What (I ſay) might he not have done? eſpecially conſidering, that ſuch as had been obnoxious, could not but expect, that the Cloud muſt break, and be afraid, where it might fall,

fall, and conſequently ready, each man to have given up his neareſt Relation, to ſave himſelf,

*——Et quæ ſibi quiſque timêre* *Virgil.*
*Unius in miſeri exitium convertere----*

Can a Mother forget her Son? Or a Son, ſuch a Father? And yet,

*Quanquam animo redit uſque Pater,* *Strada.*
*tamen excutit omnem,*
*Rex melior——*

he ſo far forgot it, as to avoid the occaſions of remembring it: Nay, which of his Enemies lookt up to him, and return'd empty? Was not the Childrens Bread thrown among them, while the helpleſs Orphans ſcarce lickt up the Crums? And has not that fulneſs of Bread, provok'd them into wan-

wantonneſs ? They have eat, drunk, and now riſe up to play; and 'tis a ſhrewd ſign they are idle, when nothing will ſerve them, but they muſt be Sacrificing in a Wilderneſs; yet, what greater Teſtimonies could there be, of an entire Forgiveneſs? And if ſo, this methinks ſhould at laſt mind us, that as Vapors riſing from the Earth, ſtay not long in the Air, but fall on the ſame Earth again, That we alſo, as truly ſenſible of the Mercy, return him (at leaſt) the grateful Acknowledgments of an humble Obedience.

Sect.

## SECTION VIII.

*That notwithſtanding the hard Law of the Kingdom, the Jews paid their Kings, an entire Obedience. Two Objections anſwered. The like, other Nations to their Kings. A third Objection anſwered. The Precept of Obedience is without reſtriction; Examples upon it: Nor is Idolatry any ground to reſiſt; much leſs, things indifferent. The example from our Saviour in Inſtituting his laſt Supper. Leaſt of all, is injury, with the practice of Holy men of old, in like caſes. And that if any ground were to be admitted, that, would never be wanting.*

I Gave an account before, of that hard Law of the Kingdom given to the Jews, and yet we find not throughout the Story, that they did in the leaſt repine at it, but rather the contrary; for when upon the Conſtitution of *Saul*,

1 Sam. 10.26. *Saul*, ſome Children of *Belial*, (for ſo the Text calls them) had deſpis'd him, ſaying, *How ſhall this man ſave us?* The People (whoſe hearts God had toucht) in the next Chapter, *ver.* 12. ſay unto *Samuel*, *Who is he that ſaid, Shall Saul reign over us? Bring the men, that we may put them to death.* And what value they put on their Kings Perſon, may be ſeen in this, that *Saul's* Armor-bearer, choſe rather to kill himſelf, than perform that laſt (if yet I may ſo call it) charitable Of-
1 Chron. 10.5. fice, to his diſtreſſed Maſter, then ready to fall into his Enemies hands, and praying it; neither would the People ſuffer *David* to go forth before them to Battel;
2 Sam. 18.3. *For if we flee* (ſay they) *they will not be much concerned at it, neither if half of us die, will they care for us; but thou art worth ten thouſand of us.*

In

In ſhort, he that was King among them, did whatever pleaſed him; And whatever the King did, pleaſed all the people. Eccleſ. 8. 3. 2 Sam. 3. 36.

And was not this a perfect love between a King and his People? was there ever a more exact, or entire Obedience? An Obedience, to be reckon'd for Righteouſneſs? And yet, what new paths do we take to our ſelves? when, if we would but examin Holy Writ, we might find that, every where directing us to our Duty. As, 1. Negatively; in that we are commanded, not to think ill of the King; *Curſe not the King, no, not in thy thoughts*: much leſs then, may we ſpeak it, *Thou ſhalt not ſpeak evil of the Ruler of thy people.* Leaſt of all, may we do him hurt: *Touch not mine Anointed.* 2. Affirmatively, We are commanded to keep his Eccleſ. 10. 20. Exod. 22. 18. Pſal. 105. 25.

Com-

Commandments, *and that in re-*
Eccleſ. 8. 2. *gard of the Oath of God*: Neither may we give him any juſt cauſe of anger; *Whoſo provoketh him to it,*
P[illegible]. 20. 2. *ſinneth againſt his own ſoul.* To
S[illegible]. 1. which, if any one ſhall ſay, they were Kings themſelves, that ſpake it, and 'twere much they could ſay nothing in their own behalf: I
Sol. 1. anſwer, That beſides that it has been ever receiv'd for Holy Writ, *Job*, who wrote many Centuries, before there was any King in *Iſ-*
Job 36. 18. *rael*, puts the queſtion, *Is it fit* (ſaith he) *to ſay to a King, thou art wicked, or to Princes, ye are ungodly?* The Interrogation is affirmative, and after the manner of affirmative Interrogations, concludes negatively, *i. e.* No, it is not fit; for, ſays the ſame *Eccleſ.* (which is another of the ſame) *who may ſay unto him, What do'ſt thou?* To which

which alſo if it be yet objected, that this Law was given to a peculiar People, and that no Law (but the Law of Nature, which is immutable) obliges any, to whom it was not given: I anſwer (as before) beſides that it is Holy Writ, what inconvenience is it, if we give the ſame credit to God Almighty, we generally allow to other Law-givers? and the rather, in that God, is not the God of the Jews only, but the Gentiles alſo. *Object. 2.* *Sol. 2.* Rom. 3. 29.

That Reverence, the Jews paid their Kings, by a Written Law, the Ancient Heathens took up from a mere impulſe of Nature; and yet, what the manner of their Kingdoms were (in that the Jews did but deſire to be like all other Nations) you have had before. *Q. Curtius* tells us, that the *Perſians* The like of other Nations to their Kings.

had ſuch a love to their King, that *Alexander* could not perſuade them, either for fear, or reward, to tell him whither their King had fled; or reveal any of his intentions. In like manner, when *Xerxes* fled from *Greece*, in a ſmall Veſſel, ſo full of men, that it was impoſſible for him to be ſav'd, without throwing ſome overboard; the Nobility leapt into the Sea, and by their example, others, till the Ship was lightned, and the King preſerv'd. And ſo *Boëmus Aubanus*, ſpeaking of the *Ægyptian* Kings, ſaith, that they had ſo much love from their People, *Ut non ſolum ſacerdotibus, ſed etiam ſingulis Ægyptiis, major Regis, quam uxorum, filiorumque ſalutis, ineſſet cura*, That not only the Prieſts, but every one of them had a greater care of the Kings ſafety, than of their

*Herodot. l. 8.*

*De moribus gentium, l. 1. cap. 5.*

their Wives, and Children. And in another place, ſpeaking of the *Tartars*; *Albeit their King* (ſaith he) *upon his Inauguration, tells them*, Oris mei ſermo, gladius meus erit, *My word's my Sword; and that all things are in his power, and no man may dwell in any part of the Land, but what is aſſign'd him by the King*; *yet*, nemini licet imperatoris verba mutare, nemini latæ ab illo ſententiæ qualicunque modo contraire; *No man may alter his Decree, or in the leaſt tittle diſpute his Commands.* Ibid. l. 2. c. 10.

Beſides all which, the obſequious impiety of elder times, attributed the name of God to their Emperors; and whence (perhaps) it might be, that *Joſeph* ſwore, By the life of *Pharaoh*;

——*Sceptrum, capitiſque ſalutem*
*Teſtatur*——

And the *Romans*, By the Majeſty and Genius of the Emperor: And the drinking his Health, at Publick Feaſts was decreed to *Auguſtus*; as we have it in *Peter Urſinus* his Appendix, where alſo, he cites S. *Ambroſe*, ſpeaking of the cuſtom of his time, *Bibamus* (*inquiunt*) *pro ſalute Imperatorum*, *& qui non biberit, ſit reus in devotione*: *Let us drink* (ſay they) *the Emperors Health, and let him be damn'd that refuſes it*: in which the Father taxes not the thing, but their ill of doing it.

*Append. ad Pet. Ciacc. de Triclinio*, 327.

In the offering of all which, let me not be miſtaken, as if I deſign'd to inſinuate, that ſuch a Power as thoſe Kings I ſo lately mentioned, did exerciſe, might be practicable now, or any municipal Law, alter'd *ad libitum*; no, that were to juſtifie that Arbitrary Power,

Power, ſo often talkt of, and againſt which, our preſent King, hath ſo publickly declar'd; the abſolute, and unlimited Sovereignty, which they have by the Ordinance of God, having from time to time (by their Bounty) been limited, and bounded in the ordinary exerciſe thereof, by ſuch Laws, and Cuſtoms, as themſelves have given the Royal Aſſent unto, and allowed; ſo that in effect, it may be ſaid, What have we, that we have not received? Upon which ſcore it is, that a Subject may maintain his Right, and Property, and have Judgment againſt the King; and in ſuch caſes, the Judges are bound to right the party, according to Law: And there are many things alſo, of which it is ſaid, The King cannot do them, *i.e.* becauſe he will

not do them (*quia refragantur ordini*) as being contrary to the Law, and Order, eſtabliſh'd in his Realm: And therefore, neither can our Kings, or ought they in common juſtice to be eſteem'd, or thought the leſs, when they have ſcatter'd any Flowers of their Crown on their Subjects, inaſmuch as the root reſts in the ſame place, and is as productive of more, when deſerved.

*Object. 3.* But ſuppoſe (may ſome ſay) the King be a wicked King, a Tyrant, an Idolater, or howeyer elſe the licentiouſneſs of an enrag'd Rabble may render him, may not the ſubordinate Magiſtrate, the Nobility, or People, reſtrain, or remove him?

*Sol. 3.* I anſwer, No; for beſides that the Precepts of Obedience to Kings, are without reſtriction, and

and therefore extend to all Kings, be they what they will; if it be not lawful for me to judg another man's Servant, how much leſs then, my own Maſter, whoſe Power over me is juſt, tho it may ſo happen, that he uſe it unjuſtly? The *Iſraelites* had a ſharp bondage under the *Egyptians*, and wanted not numbers to have made their party good: The Land was filled with them, and *Pharaoh* confeſſeth them, the more mighty; yet they thought it better to quit the Country, than rebel: Nor was their condition much improv'd in *Babylon*, and yet they are commanded to offer Sacrifices, and pray for the Life of the King, and of his Sons; and to ſeek the peace of the City where they were Captives. *Samuel* pronounced the rejection of *Saul* (whom alſo,

The precept of Obedience is without reſtriction.

Exod. 1. 9, 10.

Ezra 6. 10.

Jer. 29. 7.

1 Sam. 15. 26, 35.

*David* afterward ſpar'd) yet neither incited the People to rebel againſt him: *Nebuchadnezzar*, *Achab*, *Manaſſes*, were Idolatrous Kings; and yet *Daniel*, *Elias*, and the Holy men of thoſe times, continu'd their Obedience, and tamper'd not with others, to infringe theirs: What ſhall I add? our Saviour commands us to give unto *Cæſar*, *the things that are Cæſars*, and the Apoſtle who exhorts, *That, firſt of all, ſupplications, prayers*, &c. *be made for all men*, forgets not more eſpecially, Kings, and all that are in Authority: In ſhort, the Primitive Chriſtians reſiſted not their Idolatrous Perſecutors, and yet contrary to the opinion of *Bellarmin*, and *Buchanan*, they wanted not numbers: *Veſtra omnia implevimus*, (ſaith *Tertullian*) *urbes, inſulas, caſtella, municipia, conciliabula, caſtra*

Idolatry, no ground to reſiſt.

Matth. 22. 21.

1 Tim. 2. 1, 2.

Bellarm de Pont. l. 3. c. 9. Buch. de jure Reg. p. 61.

In Apolog.

*caſtra ipſa, decurias, Palatia, forum, Senatum: cui bello non idonei, non prompti fuiſſemus, qui tam libenter trucidamur, ſi non apud diſciplinam noſtram magis occidi liceret, quam occidere? We fill* (ſaith he) *the whole Empire, your Cities, Princes Houſes, Caſtles, Corporations, Councils, your very Camps, Courts of Juſtice, Palaces, Market-places, Senate; with whom are we not able to make a War, who ſo willingly offer our ſelves to the ſlaughter? did not our Religion teach us, that (in ſuch caſes) it is better to be killed than kill.* But inſtead of it, pray'd, That God would give them, *Vitam prolixam, Imperium ſecurum, domum tutam, exercitus fortes, Senatum fidelem, Populum probum, orbem quietum, & quæcunque hominis aut Cæſaris ſunt vota. A long Life, a ſecure Empire, ſafe Houſe, valiant Forces, a faithful Council, loyal Peo-*

*ple,*

*ple, quiet State; and whatever were the deſires of a man, or Emperor:* They preferr'd God, before *Julian's* Idolatry, yet, when he ſaid, *March*, they obey'd him.

Much leſs, things indifferent.

And if Idolatry be not ground for a Subject to reſiſt his Prince, much leſs then may caſes of leſſer conſequence, which touch not the Foundation, but are only circumſtantials: And of this kind, are all (*Adiaphora*) things in themſelves indifferent, whether to be made uſe of, or not made uſe of, however, coming to be commanded, by a lawful Authority, the indifferency ceaſes, and every man is obliged in Conſcience to comply with the Command, as eſpecially in ſuch caſes, where he has made himſelf a party, by his Repreſentative; and from which, if he might retract, by ſaying, it was not the

*Dyer*, 23. 148.

ſenſe

ſenſe he meant, why alſo might not the King, in ſome other caſe, ſay, he was miſtaken, when he gave the Royal Aſſent? for I do not find, that the Subject here, ſhall be in a better condition, than the King. And then, make the conſequence who will, which is as eaſily done, off-hand, as other matters, that require no ſtudy.

And here I might inſtance ſeveral Ceremonies, which, albeit they were firſt deviſed by man, for the more decent order in the Church, and tho the keeping, or omitting them, is in it ſelf, but a ſmall thing, yet the wilful, and contemptuous tranſgreſſion, and breaking of a common Order, and Diſcipline, is no ſmall offence, againſt that rule of the Apoſtle, *Let all things be done in a ſeemly and due order*: and is no more of pri-

*Vide*, Preface to the Liturgy, and touching Ceremonies.

vate

vate interpretation, than is Scripture, which (like the Law) pronounceth nothing, but in the mouth of a Judg.

The example of our Saviour, in his Instituting his last Supper.

To speak once for all, our Saviour who was an Hebrew, amongst whom, the *Roman* Customs were not so altogether in use, gives us a remarkable example, in this matter, and I think no man will question his Authority,

——*Solem quis dicere falsum*
*Audeat?*

He was (I said before) an Hebrew, and yet, if we examin his converse among the *Romans*, we shall find it generally, comporting to their manners. To pass the rest, that one of Instituting his last Supper, seems to me to carry no small force: The *Triclinium* (a Bed

(a Bed, not unlike our Couches without backs, but broader, on which the *Romans* at their Feaſts, lay in a manner extended, on their Sides, Breaſts, or Elbows) was not in uſe among the Jews, that ever I yet met, or learn'd; yet when our Saviour was to keep the Paſs- Deut. 12. 11.
over (which the Jews did, their Loins girt, their Shoes on their feet, their Staves in their hands, and in haſt) the Text ſays, *Diſcumbebat cum duodecim*, which ſignifies the manner, how the *Romans* uſed thoſe Beds; and from whence S. *John* is ſaid, to have leaned on his boſom: yet admitting, that he ſate down, it is enough, to prove, that it was not the Jewiſh cuſtom, for they ſtood: beſides, the form of the Table ſeems to have been Roman, *viz.* Orbicular, or Oval (of which kind, we have ſeveral figures,

*Roſin. Rom. Antiq. l. 5. c. 27. Lipſii Saturn. lib. 1. c. 6.* figures, in *Roſinus*, *Lipſius*, and others) and the reaſon of it was, that every gheſt might put his hand in the Diſh, without reaching over another: and this is further plain, by that anſwer of our Saviour, to his Diſciples, asking

Mat. 26. 23. him, who ſhould betray him, *Qui intingit manum in Paropſide*, &c. *He that dippeth his hand with me in the Diſh, the ſame ſhall betray me*: neither is it poſſible it could have been a long Table, for then, how could our Saviour (as we have it

John 13. 26. in another Evangeliſt) have given him the Sop; in as much, as *Judas* being the laſt of the twelve (and

Mat. 10 4. perhaps for that reaſon alſo, carrying the Bag) muſt in all probability have ſate loweſt, and out of reach of the Sop, as well as of the Diſh: from all which I infer, that if our Saviour, who was no Roman, con-

conform'd himself to the customs of the *Roman* Empire, to which the Jews, were at that time Tributary, how much more then ought this be a sufficient ground to us, whereby to follow his example; especially, in matters, otherwise indifferent, where they are not commanded; it being but reasonable, that in standing weight, even a grain of Authority should turn the Scale.

Least of all then is injury any ground for a Subject to oppose his Prince; inasmuch, as no man can be said to be injur'd by him, of whom, by the Law of God, and man, he can take no revenge, without a greater injustice. S. *Peter* was reproved by our Saviour, for drawing his Sword against Authority, tho in defence of his Master: S. *Paul* checks himself for a bare

Least of all, injury.

John 18. 11.

Acts 25. 5.

slip

ſlip of his Tongue, againſt the High-Prieſt: And look back into the Old Teſtament, thoſe times alſo, hold no ſuch cuſtom, but ra-
Exod. 12. 37. ther the contrary: Thus *Moſes*, and ſix hundred thouſand foot-men, beſides children, and a mixt multitude, fled from *Pharaoh*:
1 Sam. 22. 2. *David*, in the head of an Army, (and thoſe, if we conſider the perſons, deſperate enough) from
1 Kings 19. 18. *Saul*: And *Elias*, from *Jezabel*, ſeven thouſand men yet left in *Iſrael*, that had not bow'd their knees unto *Baal*: And as they fled, others
1 Sam. 19. 4. ſupplicated: So *Jonathan*, for *Da-*
Jer. 38. 9. *vid* to *Saul*: *Ebedmelech*, for *Jere-*
Eſther 7. 3. *miah*, to *Zedechiah*: And *Eſther* (a Queen) for her Nation, to *Ahaſuerus*.

If any ground were to be admitted, that would never be wanting.

In ſhort, if any cauſe ſhould be admitted, for which Subjects might reſiſt, that cauſe, would ne-

ver

ver be wanting, againſt any Prince (let him reign never ſo juſtly) whom the people ſhall call an Idolater, or Tyrant; and how eaſie it will be, to conclude him one, or both, eſpecially, where they that take upon them to give the Sentence, ſhall make the caſe, I leave it to every man: Impiety muſt be the ground to accuſe him, and that, the common pretence, whereby to depoſe him; as if a King, like a *Chineſe* god, might be whipt into a compliance, or if that will not do, thrown in the fire, and another ſet up in his room, during the ſame pleaſure, or better behaviour. In a word, I ſpake erewhile of flight, and ſupplications, but they that are too ſtiff for the one, will rarely bend to the other, unleſs (when they can do no more) they appeal

*Semido* in Hiſt. of *China*.

(from the King, to *Alexander*) from himself, unto himself, as presuming, that private Spirit which knows not how to deny, will yet so prevail on his publick capacity, that he will remit any thing.

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## Section IX.

*The Arts of the late times in working the People from this Obedience. It was to be done piece-meal. The Kings Necessities, answered with Complaints. Plots discovered; Fears and Jealousies promoted. Religion cants its part. Leading men, some to make it Law, others, Gospel; The examples of* Corah, *&c. The same Game playing over again: Prognostications*, &c. *The ill consequence of such Impressions. The examples of* Cade, Tyler, *and others. Holy League in* France; *Solemn League and Covenant, at home*, &c. *New Trains to the old Fuel. Our Saviours advice*

*advice to his Diſciples touching the leven of the Phariſees: What that, and they were, made applicable unto our ſelves.*

I Have brought it thus far, that Princes are to be obey'd, and yet, ere I cloſe the Argument, it will not be from the purpoſe, if we examin how the People were wrought from it in the late times, and of what ill conſequence, the like impreſſions may be at preſent. Wiſe men are ſafe, they have wit enough to keep within themſelves; but, 'tis the *Mobile vulgus*, the *Ignota Capita*, *Sine nomine turba*, that only fall within my diſcourſe. And truly, conſidering this Kingdom in its ſelf,

——*Potens armis, atque ubere glebæ,*

A Land ſo conſiderable abroad, and fruitful at home, That Virtue, and Fortune, which (according to *Florus*) ſeem'd to have conteſted about the raiſing of the Roman Empire, might have been truly ſaid to have concenter'd here: And withal, conſidering the evils we have paſt, and the happy days we might enjoy, if we pleas'd our ſelves, it would confound Aſtrologers, to obſerve ſuch Planets, ſuch maſculine Planets, Aſcending, in Conjunction, in the Houſes of their Exaltation, and yet the Kingdom, Planet-ſtruck.

——*Pudet hæc opprobria dici;*
*Et dici potuiſſe, & non potuiſſe refelli.*

To examin it a little further, and the rather, for this, that by viewing the Cards, by which the laſt Game

Game was play'd, we need not be once more cheated, unleſs we pleaſe our ſelves.

That the People were ſo beſet, is agreed of all hands: Whither do Rheumes, and Humors reſort, but to the weakeſt parts? yet, this was not to be done all at once; no, they were firſt to be prepar'd, and then ſo diſpos'd, that they ſaw nothing but (*ſub imagine luſca*) by a dull falſe light. To have askt the People about ſixty years ſince, if they would have taken Arms againſt their Prince, That Prince, whoſe Anceſtor had given them ſo much, they could not readily tell, what to ask more; no doubt but they had ſtartled at the queſtion, and anſwer'd, as *Hazael* to *Eliſha*, *Is thy ſervant a dead dog he ſhould do this thing?* No, that was a gobbet too large for their

2 Kings 8. 13.

It was to be done piece-meal.

throats; but given bit, by bit, there was no danger of the ſwallow, were it never ſo raw. Seldom appears the Devil ſo ugly as the Painters make him, that were enough to convince an Atheiſt; but when he offers himſelf as an Angel of Light, who would ſuffer him to ſhake off the duſt of his feet on them?

The Kings neceſſities to be ſupply'd with complaints.

And here, Religion was a main inſtrument, but it muſt ſtay its time: no man ſerves up the laſt courſe, till the firſt, and ſecond are over: the King was to be firſt reduc'd to neceſſity, to the end, that being forc'd to extraordinary means for ſupply, he might attract an *odium*: nor muſt he be ſupply'd, but from hand to mouth; however, what he might want in that, he had it otherways, preſs'd down, and running over: com-

plaints

plaints of Grievances, Treaſure miſ-ſpent, Neceſſities contracted by miſ-providence, Remonſtrances againſt Favourites, not forgetting the Old Ingredients, of *Growth of Popery, and Arbitrary Government*: and if this was not the Art of that time, my Author has done them wrong, and that he is ſeldom guilty of.

*Ruſhworth's* Coll. fol. 40. 183. 402. 656.

By this time the People were ſhod with the Preparation of the Work; and now, the *French* are ready to land, and the old Vault ſmells rank of Powder again: The Kingdom muſt be put into a poſture of Defence, and the Militia into Confiding hands; Fears and Jealouſies promoted; Biſhops, and Popiſh Lords Excluded; the Well-affected Counties Aſſociated; Monies raiſed; themſelves Perpetuated; Publick-Faith

Plots diſcover'd, Fears and Jealouſies promoted.

Sir *Will. Dugd.* Short View, *&c.* from fol. 67. to fol. 124.

ſet up; the Exciſe ſlurr'd on the People for repaying it; and the holy Covenant, to pin the Basket: And one would think they had laid in well enough, and yet, beſides the 11 Millions, which the Plate, Rings, Bodkins, &c. within *London*, *Eſſex*, and *Middleſex*, beſides other Counties, amounted to, it is publickly declar'd, That if any Papiſts, would bring in any
*Octob. 6. 1642.* conſiderable Sums, upon the Propoſitions, they ſhould be received; albeit they tax'd his Majeſty for raiſing an Army, by the help of Papiſts; as their Diſciples, ſome years afterward, hired *Owen Roe O Neal*, to raiſe the Siege at *London-Derry* in *Ireland*, then Beleaguer'd by his Majeſties Forces; not without ſuſpicion, that they over-paid him his Wages in a Parting Glaſs.

And

And now 'tis time that Religion Trump up, and juſtifie all they had already laid, or were to act for the future. A painful, Goſpel-Miniſtry, muſt act its part, and S. *Ant'lins* Lectures, lead the way to the Artillery-yard: in order to which, they beat down morality, that having ſwept the houſe of one Tenant, it might be the readier for another. Ye muſt not (ſaid they) plant Goſpel-Truths on legal Foundations, or the rotten Crab-ſtocks of carnal Principles: who ever found fault with Freſh Herrings? and ſhall we deſpiſe Truth becauſe 'tis a novelty? 'tis a ſign men have a mind to ſleep, when they draw their Curtains, and will have no more light come in: whereas, it is your work to enquire after further light: To call out, what of the night? Religion cants its part.

night? How much of the night of Popery and darkneſs remains? How near are we to the taking the poſſeſſion? and how long may we be kept off ere the Scepter of the Kingdom be advanced? And is not this fine ſtuff? And yet the Pulpit-Drums of that time beat no other March: And all this by Scripture too; nor (as to themſelves) without reaſon: Don't we give Children Hony and Raiſins, with their Worm-ſeed? and g ld Pills, for men of riper years? Did ever Dog ſwallow a Cork without Butter? or even a Fool, Angle, without hiding his Hook in a Bait? No, no, the Needle muſt be firſt in, and the Thred follows of courſe. *Abſalom* had never gotten the People to him, had he not mask'd his Rebellion, under a Vow at *Hebron*; for the Text ſays,

ſays, *They went in their ſimplicity, and knew not any thing.* 2 Sam. 15. 11.

Yet it was not to be expected, that Religion alone ſhould carry on the work, or that the ſame old drudg Cloak, ſhould ſtill hold out Rain, without a new Lining: Wiſdom built her houſe on more Pillars than one, and a mere Foundation was too hazardous for their new Jeruſalem, without Props and Buttreſſes: And therefore, to prevent the queſtion, *Do any of the Scribes follow him?* there muſt be Hinters, as well as Holders-forth; Leading-men to countenance that for Law, which their Aſſembly had predetermin'd, ſhould paſs for Goſpel. *Corah* and his Companions, were of the Tribe of *Levi*; *Dathan* and *Abiram*, of the Tribe of *Reuben*; Heads of Families, men famous in the

Leading men, to make it Law, and Goſpel.

The examples of *Corah*, &c.

the Congregation; Clergy, and Laity; diſſembled Sanctity, to uſurp'd Authority: And that their Quarrel was Government, under the pretence of Religion too, appears by what they ſaid to
Numb. 16. 3. *Moſes*, and *Aaron*, *Ye take too much upon you, ſeeing all the Congregation are holy, every one of them, and the Lord is among them: wherefore then lift ye up your ſelves above the Congregation of the Lord?* So *Adoniah* (when his Father *David*, the Kingdom of the Jews being not yet become Hereditary, had cauſed *Solomon* to be Crowned King, while he yet lived) the better to colour his pretence to it, took to him
1 Kings 1. 19. *Abiathar, the High-Prieſt, and Joab the Captain of the Hoſt*: And who would think it ſtrange, that a ſhort-ſighted, Sand-blind Multitude, ſhould ſcruple to follow, where ſuch Guides lead them? I

I have hitherto with what briefneſs I could, accounted ſome ſlights of hand within our own memories; and ſhall it be reckoned to our inadvertence, or folly, that they paſs twice in the ſame Age? That the Devil was once in the Herd, we have Authority enough; but that he never ſhould quit it, we hold no ſuch Propheſie. And yet methinks the Game is playing over again, or elſe, what meaneth this bleeting of the Sheep, and lowing of the Oxen? this talking with the People upon the Wall, or making them believe, that they, that came into the world (as *Cato* into the Theatre) only to go out again, ſhould yet be the Saints that are to judg, and inherit it? why muſt they that carry their Souls in their Eyes, and their Brains in other

The ſame Game playing over again.

2 Kings 18.27.

mens

mens Heads, be once more buzz'd with Laws, Liberties, Conſcience, Diſſatisfaction ? or (like Larks) dar'd to the Net, with every thing? Prognoſtications, Propheſies, Prodigies, *&c.* which, albeit (like Mercenary Soldiers) they may be brought to fight on either ſide, yet every man ſuperſtitiouſly interprets them to his own advantage, and lets them ſpeak no other Language, than what his wiſhes, hope, or fear, put in their mouths: In ſhort, we have had enough of the Arts by which the people have been already impos'd on, nor will it be unworth the while, if we conſider, of what ill conſequence, ſuch, or the like impreſſions, may further be to them; inaſmuch alſo, as thoſe Spiritual Druggiſts, give out the Commodity without garbling, and vend what

Prognoſtications, *&c.*

what they pleaſe among the Rabble, for ſtaple Goods and warrantable. Man, as he is a rational, ſo alſo is he a compound, gradual Creature, the way to his reaſon, being by his ſenſe, and appetite, which being diſturb'd, or prepoſſeſs'd, how is it poſſible for him to take any thing aright, more than for him that is out in the premiſſes, not to be worſe miſtaken in the concluſion; or, than that a Bowl, deliver'd ſhort, or narrow at hand, ſhould ever come up with the Block: ſome Birds are whiſtled into the Snare, others driven, and Dotterils caught by imitation of ſuch poſtures, as others put themſelves into: *Argus* had an hundred eyes, and yet was ſurpriz'd ſleeping: The evil one in the Goſpel, ſow'd tares, while the Husbandman ſlept; and what worſe

*Hudibras.* The ill conſequence of ſuch impreſſions.

Matth. 13. 25.

worſe effects may not ſuch impreſſions have upon the multitude, whoſe whole life is but one long ſlumber; or at beſt, *Per pocula noctes* ? And therefore conſidering them (as the *Athenians* in the *Acts*) ever ſpending their time in nothing elſe, but either to tell, or hear ſome new thing; or, taking them, as they are, weak in judgment, but violent in will; believing, as they affect, and preſaging, as they believe; how eaſie is it to make them ſerviceable, to any aſpiring deſign, ſhall be caſt before them? And if ſo, how are they to be entruſted with themſelves? much leſs, to be laſht down-hill eſpecially, if when we have any credit to the Poet, we alſo allow him in the advice to *Phaeton*,

Acts 17. 21.

*Parce*

*Parce (puer) ſtimulis, & fortius utere loris,*
*Sponte ſuâ properant, labor eſt inhibere——* Ovid. Met.

For tho they would be quiet enough, if their drivers would let 'em, yet if once they get the Bitt in their teeth, or find the Reins lie looſe on their necks, they grow wild, unruly, ſeditious, and no longer apt to be govern'd, or ruled; and as another on the like occaſion,

*——Non audivere jugales*
*Imperium, & prono nec ſat ſtetit orbita cœlo.* Barkley, Argen. l. 3.

And therefore the Pſalmiſt, that reckons it among the Prerogatives of God, to ſtill the raging of the Pſal. 65. 7.

*Sea*, ſubjoyns immediately, *and the madneſs of the People.* Who would have thought, that *Jack Cade* (*alias*) Captain *Mend-all* in *Henry* 6th.'s time; *Jack Straw*, and *Wat Tyler* in *Richard* 2.'s time, and their Rabbles, could have done any miſchief? and yet, they put the Kingdom into ſuch a Convulſion, that it required ſome time ere it recover'd its limbs. And here, I wonder any Citizen of *London* can look upon the Bloody Dagger, in the dexter Canton, of the City Arms, and not remember the Loyalty of Sir *William Wallworth*, then Lord Mayor of *London*, who with his own hand, knockt down *Wat Tyler*, in the Kings preſence, in *Smithfield*, and and thereby diſpers'd the Rabble; in memory of which action, that Augmentation, was firſt given them.

The examples of *Jack Cade*, and others.

4 *Rich.* 2.

them. In like manner, That of *Thomas Anello* (or *Maſſinello*) in *Naples*, about 34 years ſince, where ſo inconſiderable a thing, as the Gabel on a Basket of Fruit, or Fiſh, rais'd the People into a Rebellion of above 200000 men, in leſs than five days; wherein (ere it ended) 'twas odds, but the Neapolitan Courſer, had (for all the Bridle, and Saddle) thrown his Rider, had not the Policy of that time, thought the acqueſt of a diſputable Crown, of leſs concern, than the ſetting up again a declining, but popular, emulous, not to ſay pretending Family, and giving it once more, the opportunity of an Eſtate, that was but too mighty in Obligations already. Add to this, the late Aſſaſſination of *De Witt*, and his Brother, in *Holland*, by a wild Rabble, which

*Vide*, The Hiſtory, written by a noble Neapolitan.

alſo, had not been ſo eaſily quieted, were it not natural with the common People, enragedly to vent themſelves on the ſtone that hurt them, and never regard the hand that threw it.

Holy League in *France.*

And yet in all this there was no pretence of Religion; but it heightens the caſe when that ſhall be edg'd in, to blanch the deſign: and however the voice may be the voice of *Jacob*, it ſeldom happens, but that the hands, are the hands of *Eſau*. What miſchiefs, did the Army of God, and the Church (for ſo they ſtil'd themſelves) in King *John*'s time? The *Holy League*, in the time of *Henry* 3. of *France*; which, albeit himſelf entred into, for the Extirpation of the *Hugonots*, yet it was not long ere it was turn'd upon him: *John* of *Leyden*, and *Knipperdolin* in *Germany*: The

*Camb. Britt.* 509.

Lord *Bacon's* Eſſays, 78.

The Sword of the Lord, and *Gideon* (as it was then called) under *John Knox*, in *Scotland*: And the *Solemn League and Covenant* in our own times; the Brands of which are it ſeems) not ſo altogether extinguiſh'd, but that they, more than once, began to take fire again, tho the flame were prevented. And do we not find, that in all theſe, a demure, down look, and an uplifted eye, went more than half way, and a miſtaken violence, the undiſputable Character, of a zeal to the cauſe? How much therefore, have the people more need of a *Pendulum*, than Fly; ſomewhat to moderate, not multiply the motion? it being here, as with Goſſips Tongues, much eaſier to raiſe the Devil, than lay him. Who ever put a Sword into a mad-mans hand to keep the

Solemn League and Covenant at home.

Peace with? or entruſted an Ape to range in a Glaſs-ſhop? yet ſuch, or worſe muſt it be, where the People are the Reformer, who never examin what they are doing, but how to run fartheſt, from what they were laſt.

New Trains to the old Fuel.

And if ſo, what mean theſe new Trains, to the old Fuel? Jealouſies, Murmurings, Repinings, Libels, Licentious Diſcourſes, falſe News, half Whiſpers, Diſputing, Excuſing, or Cavilling upon Directions; ſometimes praiſing the Government, yet but ſlightly (at moſt) and that too, not without ſome pity of Defects, and ill management----Ay but---and a ſhrug-----It were to be wiſh'd---but who can help it----we had----and may have again---however---a good man---'tis pity: and what's all this, but the blow-

blowing one up, to break him, or lifting him from the ground, to be the surer of throwing him: or, is it not what the Psalmist speaks of, *Sagitta volans in die, &c.* The Arrow that flieth by day, and the Pestilence, that walketh in darkness; for tho it be not level'd at any particular mark, it cannot be, but that it must hit some body, as being shot among a crowd; and so not improperly, in S. *Hieroms* Translation further rendred, by *Dæmonium meridianum*: And truly if the Conventicles at this day (as the Preamble of the Act for *the Preventing, and Suppressing Seditious Conventicles, and Sectaries*, says) did not under pretence of Tender Conscience, contrive Insurrections, why might they not be contented with enjoying their private Opinions within their own

Psal. 90. 6.

22 Car. 2.

Families, and any other number of persons, not exceeding four? But alas! alas! Religion is not the matter, but following, and Parties: Is it peace *Jehu?* What hast thou to do with peace? Get thee behind me: They carry ('tis true) peace in their mouths, but their hands, are making ready to Battel.

Our Saviours advice to his Disciples.

Mark 8. 15.

I'll close this point with the double advice of our Saviour to his Disciples: *Beware of the leven* (*i. e.* the Doctrin) *of the Pharisees*: for the better understanding of which it is requisite that we consider them as they were, that is, a sort of men of the strictest Sect, of the Jewish Religion, appearing outwardly (more than ordinarily) righteous unto men, but within, full of hypocrisie, and iniquity: for, they did works, but to be seen of

Acts 26. 5.

Luke 18. 11, 12.

Mat. 23. 27.

of men: they ſhut up the Kingdom of Heaven, againſt others; but, enter'd not themſelves: they made long Prayers; but, under that pretence, devour'd Widows houſes: they tyth'd Mint, Anniſe, and Cummin; but, neglected the weightier matters of the Law, *&c.* and therefore our Saviour calls them eight times, in the ſame Chapter, Hypocrites; and their Doctrin, Hypocriſie. Beſides (as *Joſephus* ſays of them) they were ſubtil, proud, ſcrupulous, ſuch as were able, openly to practiſe againſt Kings, and preſumed to raiſe War againſt them, and among them: for, whereas all the Jewiſh Nation, had by Oaths, oblig'd their fidelity to *Auguſtus*, theſe men, to the number of 6000. and upwards, refus'd it. And truly the very word (*Peruſchim*) whence the name

What the Phariſees were.

Luke 12. 1.

*Joſephus Antiq l. 17. c. 3.*

name is derived, ſpeaks little leſs; for it comes from the Hebrew Verb, *Paraſch*, which in the Conjugation *Piel*, ſignifies to divide, or ſeparate; in which acceptation, they are by the Greeks, called ἀφωρισμένοι, *i. e.* Separatiſts.

*Godw.* Jewiſh Antiq. 40, 41.

And by the well obſerving this, we ſhall be the better enabled, to follow that other, *Take heed that no man deceive you; for many ſhall come in my name, and ſhall deceive many: for there ſhall ariſe falſe Chriſts, and falſe Prophets, &c. Behold, I have foretold you: wherefore, if they ſhall ſay unto you behold he is in the Deſert, Go not forth; Behold he is in the ſecret chambers, believe it not:* What our Saviour here ſaid to his Diſciples, he ſaid to all men, in them; and therefore, to make it applicable to our ſelves: when any ſuch Prophet, or dreamer of Dreams

Mat 25. 5. 23, 24, 25, 26.

Made applicable to our ſelves.

Dreams, ſhall offer us peace, in the Wilderneſs of a Multitude, and Religion in the lurking holes, or covert of a Conventicle, that voice had need continually ſound in our ears, *Go not out*; and, *believe it not*, be as often redoubled; for much better it is, that we leave the Ark to ſhake, as it ſhall pleaſe God, than follow any unworthy hands, that may pretend (even a Call) to ſupport it.

Sect.

## SECTION X.

*A further enquiry, Whether any Excluſion of his Royal Highneſs the Duke of* York *may be of more advantage or diſadvantage. The advantage propos'd; and whether an Act for ſecurity of Religion, be not as ſafe, as a Bill of Excluſion. The moral impoſſibility of introducing the Romiſh Religion, tho the Prince were of that Perſuaſion. The reaſon why the Kingdom follow'd the Reformation under Edw. VI. Qu.* Mary. *Qu.* Elizabeth. *That the caſe cannot be the ſame at this day. The Crown of* England, *an ancient Entail; with the danger of Innovations. Objection, That ſuch things have been done. So has a King been murder'd. More particularly anſwered, in* Edw. IV. *Qu.* Mary, *and Qu.* Eliz. *all three excluded by Parliament, yet came to the Crown. No man changes, but in hopes of better. The advantages of continuing as we are. It is a bar to Pretenders. The ſame, as to Competitors. Diſorders avoided. No new Family to be provi-*

*ded*

*vided for. The indignity of a Repulſe avoided. Suppoſe* Scotland, *and* Ireland *be of another Opinion; the former of which has by Parliament aſſerted the Right of Succeſſion of that Crown, notwithſtanding any Religion,* &c. *Laſtly, all occaſions of Jealouſie taken away. Objection, anſwer'd. Diſadvantages that have attended the laying by the Right Heir. Examples from old* Rome; *and Uſurpations at home. The Revolt from* Rehoboam; *our loſs of* France. *With a concluſion from the whole. More particularly, as it relates to his Royal Highneſs.*

I Am fal'n upon an Argument, of which, ſome may, I could not be content to do, but I muſt over-do; and yet (*permiſſu Superiorum*) I conceive, not: for beſides that my deſign in it is plain, and honeſt, as only tending to the continuance of that peace, which, his Excluſion, may probably endanger; it is none of the

the *non differenda*, nor is there (that I know) any Law againſt it: And therefore, I ſhall (without further Apology) put my ſelf upon the favourable interpretation of my Reader, as placing more aſſurance in the innocence of my own meaning, than the moſt reſerv'd caution, or wariness of words.

The end, to be conſider'd in all things.

He that would hit the mark, muſt take his level before he part with his Arrow; and he that would not be cheated, had need ſee the Scales try'd; as well as weigh the Commodity: In like manner, he that will give a true judgment of this matter, muſt begin with the end, that by viewing the advantage, and diſadvantage of either hand, his judgment, and election, may be the more clear, and the leſs apt to ſlide into error.

We'l

We'l take the caſe then as it has been of late, in relation to his Royal Highneſs the Duke of *York*: The People were upon a pin, and nothing will ſatisfie them, but he muſt be Excluded, The advantage propos'd by it, not a little plauſible; The ſecurity of the Proteſtant Religion: and very well; *Depoſitum cuſtodi*, was the advice of S. *Paul* to *Timothy*, and 'tis a good account of a Steward, that he has loſt nothing: But here the queſtion will ariſe, Whether the Proteſtant Religion, profeſs'd at this time, in this Kingdom, may not be ſufficiently ſecured againſt Popery, albeit the right Heir ſhould happen to be of that Perſuaſion himſelf. And (with ſubmiſſion) I conceive it may: for if ſuch a perſon could be excluded, it muſt be done by Act of Parliament,

The advantage propos'd in Excluding his Royal Highneſs.

Wherein is an Act for ſecurity of Religion leſs than a Bill of Excluſion.

ment, and if ſo, where lies the difference, that an Act of Parliament, for the ſecurity of the now Eſtabliſh'd Religion, againſt any Popiſh Succeſſor, may not be of the ſame force as an Act of Parliament, for excluding him, in as much, as the Authority is the ſame: to which, becauſe I ſeem to hear ſome one, more than whiſpering, that in the one caſe, he will not have the opportunity, in the other he may: I anſwer, That it is morally impoſſible to introduce the Romiſh Religion into this Kingdom, albeit the Prince were of that Perſuaſion: for tho the Kingdom follow'd *Edw.* 6. his Reformation, and Queen *Mary* tackt them about to the Church of *Rome*; and Queen *Elizabeth* bore up again for *Edw.* 6. yet it will not be the ſame at this day; for as to *Edw.* 6. it

*Object.*

*Sol.*

The moral impoſſibility of introducing the Romiſh Religion, tho the Prince were a Romaniſt himſelf.

it was no great wonder that the Kingdom follow'd his Reformation; for beſides that, it was in the hurry of a Change, *Henry* 8. who, tho he forſook not the Church, but Court of *Rome*, had yet ſhaken it out of its Authority, and by diſperſing the Abby Lands, among ſuch as help'd him, put it out of a condition, of recovering ſuddenly: And now, Religion being not the only queſtion, who can tax the Politicks of that time, for not ſtanding to the Pope, when by ſetting up that Authority again, they muſt infallibly have hazarded, if not loſt their new intereſts? whereas by complying with the Reformation, they were certain of keeping, what they had already, and in a fair way of getting more: And withal conſidering, there were ſeveral Opinions, at

The reaſon why the Kingdom follow'd *Edw.* 6's Reformation.

that time boiling up, what mighty matter was it to bring them to cry, *Erravimus cum patribus noſtris.*

Queen *Maries* going back.

And as to the Kingdoms tacking again with Queen *Mary*, that alſo is not ſo much to be wonder'd at; for conſidering, that under *Edw.* 6. the Harveſt was as yet ſmall, and the Laborers many; and thoſe too not altogether knit, among themſelves; and that he liv'd not, long enough, to ſee the laſt ſtone laid; and that the Queen coming in, ſo near after her Father, *Henry* 8. found ribs, and planks enough of the old Ship, left, to patch up another, for the preſent occaſion, or till a better could be had: And the main obſtacle, of ſecuring the Abby Lands, in the hands of the Temporalty, as they lay then, diſpers'd among them, being firſt reconciled; no wonder

Stat. 1. 2. *Ph.* and *Mary*, *c.* 8.

wonder (I ſay) if the Kingdom footed it to the Queens meaſures, and that the note was chang'd, to *Super vias antiquas.*

In like manner, that the Kingdom follow'd Queen *Elizabeth*, in the Reformation, begun by her Brother *Edw.* 6. it is not ſo ſtrange; for conſidering alſo, how ſhort a time Queen *Mary* reign'd; and (an inexcuſable fault in Muſick) that ſhe began a Note too high, and by that means was forc'd to run it up, even to cracking the ſtrings; and that the Reformation had (by that time) gotten ſome face, and credit in the world; and therefore, the violent Perſecution of it (like Winds to young Trees) not overthrowing it, had but faſten'd its Roots; and withal, that ſuch as had gotten any Church-Lands, knew not what another Parlia-

Queen *Eliz.* return to it.

ment might do, or what flaws (in after times) might be found in the former; and that the probable way, of making all ſure, was to order it ſo, that it ſhould not be in the Popes power, to hurt them, if he would; neither here alſo was it a wonder, that the Kingdom joyn'd with Queen *Elizabeth*, and alter'd the *Carol*, to a *Canticum novum.*

That the caſe cannot be the ſame at this day.

But the caſe will not be the ſame at this day, for beſides, that we have the Authority of a Church, confirm'd by ſeveral Acts of Parliament, even the People now, pronounce *Schibboleth* without liſping. *Fox* his Martyrs, are not yet forgotten; and tho the Writ, *De Hæretico combruendo*, be taken away, the crackling of the Faggots ſtill rattle in their ears: Nor of leſs concern are the Loaves,

Loaves, than the Doctrin; the Land on which the Faggots grew, than the Faggots themſelves: It is now 150 years ſince thoſe Abby Lands were given out, and by this time, they are aſſimulated in *Succum & Sanguinem*; and the fear of loſing them, has begot more ill blood, than the firſt grant of them did good. I have heard of one Impropriation, given back to the Church, but the Lands, remain much as they were, tho not altogether in the ſame hands; they yield good Rent, and many men are of *Veſpaſian*'s mind, That all Gold, has the ſame ſcent. *Sell all thou haſt, and give it the poor*, loſt our Saviour a Diſciple; and would be thought as hard a ſaying now: Men are loath to part with their Wedding garment, eſpecially, where it may ſo happen, to be

the beſt to their backs. Add to this, the vaſt improvements made upon them in ſo many years, and the ſeveral exchanges, intanglements, and diſpoſitions from hand to hand, that it would puzzle, even the Church it ſelf, to ſay, which were her Sons Coat; from whence, I cloſe this, That let the Rabbies talk what they will, of *Venient Romani*, Nay, till they lay the way half plain before them, it will be yet morally impoſſible for them, to take away, either our place, or Nation, and much more to raiſe any ſuperſtructure of their own.

John 11. 48.

The Crown of *England* an old Entail.

Beſides, the Crown of *England*, is an ancient old Entail, the Reverſion, in Him, by whom Kings Reign; and is it not reaſonable, that he were firſt conſulted, before it be dockt? or admitting it were to be done, how are we ſure, that he

that

that is to come after, ſhall always continue of the ſame opinion? or how are we ſecure, he ſhall not be worſe? The *Spaniards* have an excellent Proverb, *Better is the evil we know, than the good we do not know. Sana Corpora difficile medicationes ferunt* (ſaith *Hippocrates*) 'tis better to make alterations, in ſick Bodies, than ſound: Twigs, and Saplings, may be eaſily bow'd, or remov'd; but old grown Trees, are not ſo ſafely ventur'd on: 'Tis the ſame in State: Innovations and alterations, even in little things, are dangerous, for it ſeems to acquaint the people, with the ſweetneſs of a change, and that there may be ſomewhat yet, ſtill better, which (like our Philoſophers of the Stone) they had undoubtedly hit, but that ſomething in it, unluckily miſcarried.

Aphoriſm.

The danger of Innovations.

*Object.* But such things have been done.

But, may some say, have not such things been done before? Was not *Richard* Duke of *York* in *Henry* 6.'s time declar'd by Parliament, incapable of Succession? (Nay, after he had been declared, Heir apparent) and was not Queen *Mary*, and Queen *Elizabeth*, the same?

*Sol.*

I grant it; but 'tis ill arguing *à facto, ad jus.* That because such things have been done, that therefore they may be done again. Examples must be judged by Laws, and not Laws, by Examples. We have in our own times seen, A King murder'd by his own Subjects, and that too, under the specious pretences of Religion, and Law; Monarchy abolish'd; Allegiance made Rebellion; and Iniquity, establish'd by a Law: And is this an Argument (think ye) that

So has a King been murdered.

that the ſame things, may be yet practis'd?

To give it a more particular anſwer; They were declar'd incapable of Succeſſion: 'tis true, but not upon any account of Religion, but intereſt, as the affairs of thoſe times then ſtood: but yet 'tis as true, that *Edw.* 4. Son of *Richard* Duke of *York* recover'd the Crown, notwithſtanding the ſaid Declaration; the only cauſe of the War, between the Houſes of *York*, and *Lancaſter*, proceeding from the Right of one, and the Poſſeſſion of the other. In like manner Queen *Mary*, and Queen *Elizabeth*, were both declar'd by Parliament, not inheritable, and excluded from all Claim, or Demand to the Crown; and yet they both ſucceſſively Reigned, notwithſtanding the ſaid Temporary Diſability,

More particularly anſwered in *E.* 4. Qu. *Mary*, and Qu. *Eliz.* all excluded by Parliament, yet came to the Crown.

28 H. 8. c. 7.

ability; which (it ſeems) the acceſſion of the Crown, purg'd, as well as it has been ſaid of an Attainder; and yet their different Perſuaſions, diametrically oppoſite to each other.

No man changes but in hopes of bettering. Jer. 2. 11.

No man yet, ever chang'd his condition, but in hopes of bettering it: *Hath a Nation chang'd their gods, which yet, are no Gods?* (ſaith *Jeremiah*, upbraiding the ingratitude of the Jews) And therefore, a wiſe man begins from the end, and firſt conſiders, whether that be adequate, to the hazard he runs. Touching the ſecurity of Religion, I have already ſpoken; and next to the glory of God on High, the chiefeſt end of Man, is peace on earth. The end of War is Triumph, and the end of Triumph, Peace: The claſhing of the Steel and Flint, wears out one another,

and

and brings forth nothing but Fire: whereas, Peace is the Balm, that heals the Wounds, and the Cement, that fills up the Breaches of War. How careful then ought we be, to avoid, even the beginnings of ſtrife, which *Solomon* aptly calls, *the letting out of waters*, and will of themſelves, quickly wear the breach wider. Upon which, it properly follows, that we weigh the advantages we have by continuing as we are, and the diſadvantages, or inconveniencies, that have follow'd ſuch Excluſions. As to the former, Prov. 17. 14.

1. The continuance of a Succeſſion in one deſcent, and according to proximity of Blood, is a bar to Pretenders, and the ordinary occaſions of Mutiny, Competition, and Invaſion, are thereby taken off: And to this purpoſe *Tacitus*, The advantages of continuing as we are, Pretenders, barr'd.

Annal. 1. *citus, Minoris diſcriminis eſt Principem naſci, quam ſumi. It is leſs hazard, to have a Prince born to hand, than to be forc'd to ſeek one*; becauſe Subjects more naturally ſubmit to an undoubted, unqueſtionable Title, and Enemies will not be ſo ready, to be fiſhing in clear water. A third, never attempts the bone, till two are quarreling.

Diſorders avoided. 2. We ſecure our ſelves againſt thoſe diſorders, which ſuch a breach opens an infallible entrance into, and gives Ambition, and Inſolence, the reins at large, which ſeldom ſtop, but multiply themſelves, and the whole State, into confuſion; when after all, the beſt ſeldom carries the day, but the violent takes it by force. Of which we need no further for inſtance, than the ancient *Brahon Taniſtry*, before *Hen.* 2. his Conqueſt of *Ireland*.

*Vide* Caſe of *Taniſtry*, in Sir *J. Davis*'s Iriſh Reports, f. 29.

3. It

3. It takes away the danger of having a new Family to provide for: Time was, the Empire could have ſpread her wings; but now, ſhe has paſt ſo many hands, and been ſo deplum'd upon every change, that ſhe has almoſt loſt all her beſt Feathers, and kept little to her ſelf, but the deſpair, of getting them back again, No new Family to be provided for.

4. It avoids the indignity of a repulſe. Was ever Prince yet content, to ſee another ſit on his Throne? Or did ever men reckon the Sun the leſs, that it had ſuffer'd an Eclipſe? No; mankind naturally pities any thing in diſtreſs, and paſſionately croud to the recovering beams. In ſhort, we picture Time, drawing Truth out of a Pit; and ſeldom find, Majeſty ſo ſunk under water, but ſome, or other, have been ever buoying it up again. The indignity of a repulſe, avoided.

5. There

Suppoſe *Scotland* and *Ireland* ſhould be of another opinion.

5. There is a preſent Union, and Amity between theſe Kingdoms of *England*, *Scotland*, and *Ireland*; and who knows, whether they may be of the ſame Opinion. As to *Ireland*, it has been determin'd where it ſhall be bound, by an Act of Parliament, made in *England*; howbeit there is a Gulph between us: But as to *Scotland*, the Queſtion was never yet put; not that I ſpeak, as if the Kingdom of *Scotland*, which never did, ſhould now begin) to give *England* Law. No, nor will I believe it ever thought----however, were we at odds,

*Virgil.* ——*Fas eſt, & ab hoſte doceri.*

Which was the better Son, he that ſaid he would not go, but went, or he that ſaid he would go, but went not?

not? They have Recogniz'd, and Declar'd, *That the Kings of that Realm (deriving their Royal Power from God alone) do ſucceed thereto, according to the proximity of Blood. And that no difference in Religion, nor any Law, nor Act of Parliament, made, or to be made, can alter or divert, the right of Succeſſion, and Lineal Deſcent of that Crown, to the neareſt, and lawful Heir, according to the degrees aforeſaid. And that by Writing, Speaking, or any other way, to endeavour the Alteration, Diverſion, Suſpenſion, or debarring the ſame (by any Subjects of that Kingdom) ſhall be High Treaſon.* So now, if it ſhould happen, that the Kingdom of *England* ſhould be of a contrary Opinion, muſt it not in all moral probability, open a gap to a new breach, and thereby hazard the rending aſunder thoſe two Crowns

Act of *Scotland*, for aſſerting the Succeſſion of that Crown, 1681.

in

in Blood; the uniting of which, were ſo wiſely deſign'd by *H. 7.* and as happily took effect in King *James*, without Blood; and what muſt the conſequence of it be, but that we once more fall to the old trade again.

Ovid Met. ——*Furit omnis turba, ſuoque*
*Marte cadunt*——

And when (perhaps) it ſhall be ſaid of the Conqueror, as of *Alexander* (in his Expedition againſt the *Parthian*) That he loſt more by the War, than he got by the Victory; whereas Prudence, in the Adventure, looks at the return, and in the hazard, at the likelihood, and advantage, of the ſucceſs.

All occaſions of jealouſie, taken off. Laſtly, We hereby take off all occaſions of jealouſie; to which, almoſt

almoſt every thing ſerves for Fuel, ſcarce any thing for Phyſick; it being but natural, That he muſt fear many, whom many fear, how groundleſly ſoever.

But, may ſome ſay; Peace without ſafety is but a breathing, or bare Truce, at beſt. How can that man ſleep ſecurely, over whoſe head, a drawn Sword hangs by a ſingle Hair? *Object.*

And who ſhall be Judg of that? The Prince, whoſe ſafety depends on the love of his Subjects, and never Acts, but by his Council; or the Multitude, who (beſides that number, and Truth, are ſeldom of the ſame ſide) never condſier what they do, or the true reaſon why it happen'd, to be ſo hung? What cauſes that Thunder in the Clouds, but the croſs encounter of Fire and Water, mutually tending *S.l.*

to their centre of ſafety? And while a people keep within their own Circle, what danger is there of a Prince's breaking in upon them: God had looked upon the Earth, and pronounc'd it corrupt, before he ſent a Deluge among them, to cleanſe it. In ſhort, there is an old ſaying, *Divide, & impera*; and I think, another, no ways inferior, *Vis unita, fortior*; I am ſure it is true in experience; he that would pluck off a Horſes Tail, muſt do it, hair by hair; and he that would ſhake a Faggot in pieces, muſt firſt pull out ſome conſiderable Stick, or cut the Band.

Gen. 6. 12.

Diſadvantages that have attended the laying by the right Heir.

I come now, to the diſadvantages, or inconveniencies, that have attended the laying by the right Heir. Revolts, Uſurpation, and Excluſion differ in term and ſound, but are the ſame in effect, and

and (which they hold in common) never wanted their Embroils: The revolt of the Ten Tribes from *Rehoboam* was the fore-runner of the Captivity; for having drein'd and weaken'd themſelves with inteſtine War, what wonder if (like the Frog, and Mouſe in the Fable) they became a prey to the next offerer? The Senate of *Rome* excluded *Nero*, but miſt their aim; for one part of the Army ſet up *Galba*; another, *Otho* againſt him; a third, *Vitellius* againſt *Otho*; a fourth, *Veſpaſian* againſt *Vitellius*; ſtill bickering, and beating one another to pieces, until *Veſpaſian* brought all into one hand again. *Harold* uſurp'd on *Edgar Atheling*, and what was the effect of it? but that it open'd *William* the Conqueror a paſſage to the Kingdom, and gave both en-

Revolt of the 10 Tribes.

courageement, and ſucceſs to the enterpriſe. In like manner thoſe more proſperous Uſurpations of *William Rufus*, and *Henry* the Firſt, upon their elder Brother *Robert*. King *Stephen*, on *Maude* the Daughter of *Henry* the Firſt, and her Son (afterwards) *Henry* the Second. King *John*, on his Nephew *Arthur*. *Henry* the Fourth on *Richard* the Second, and *Richard* the Third, on *Edward* the Fifth; were they not founded in Blood, and defended with more? and therefore he that ſhall bring them in precedent, had as good ſave a ramble abroad, and inſtance, in *O. Cromwel* at home. In ſhort, the Excluſion of our King *Edward* the Third, Son and Heir of *Iſabella*, Daughter and Heireſs of *France* (under pretence of a Salique Law) occaſioned the loſs of their beſt men, and

At home.

Our loſs of *France*.

King-

Kingdom alſo: and did not we half loſe it again, on the ſame account, by *Henry* 4. his Uſurping on *Richard* 2? It is true, *Henry* 5. recovered it again, but his Son *Henry* 6. almoſt as ſoon loſt it, by the civil Broils between him, and *Richard* Duke of *York*, (ſlain at *Wakefield*) which yet ended not, till his Son *Edw.* 4. had recovered the Poſſeſſion. And what fruit (I pray) did we reap of thoſe Wars? or rather, were they not ſuch, as of which the Poet ſpeaks?

*Bella geri placuit, nullos habitura triumphos!* Lucan.

How much better then is it, by learning from other mens harms, to keep the beaten road, with ſafety, than upon every new notion, to entangle our ſelves in thoſe paſ-

ſes, wherein, ſo many before us, have loſt their way. And eſpecially, having the light of an Act of Parliament, directing and telling us, *That the ambiguity of ſeveral Titles, pretended to the Crown, then not ſo perfectly declar'd, but that men might expound them to every ones ſiniſter affection, and ſenſe, contrary to the right legality of the Succeſſion, and Poſterity of the Lawful Kings, and Emperors of this Realm, had been the cauſe of that great effuſion, and deſtruction of mans Blood*: And what can any man expect, but that the ſame cauſe will again produce the ſame effects; and the like Aſteriſm, the like Revolutions.

25 H. 8. 22.

To draw towards an end: It is the advice of our Saviour, *Whatſoever ye would that men ſhould do to you, do ye, even ſo to them, for this is the Law, and the Prophets.* Would any

Matth. 7. 12.

any one (think ye) ſubmit, to be brain'd by a Billet, albeit in amends it were ſaid to his Heir, the like ſhall never be done to your ſelf? eſpecially, when the ſame hand, that did the one, cannot promiſe, for any that ſhall come after it: To one, praying *Lycurgus*, to ſettle a popular State in *Lacedæmon*, that the baſeſt might have the ſame Authority, as the higheſt: *Begin* (quoth he) *to do it it, in thy own houſe, firſt: I know not of what Spirit other men are, but if there be ſuch a one to be found, let him throw the firſt ſtone.* And yet who knows, but there may be ſomewhat more than we ſee? Is there no old grudg? No----*Manet altâ mente repôſtum?* No---*Spreti injuria?* Is it all pure Religion, and undefil'd: All dry, down-right conſcience? No biaſs? No intereſt?

*Plutarch in vita Lycur.*

reſt? No ſelf in the caſe? 'tis very
John 12. 6. well: *Judas* made a charitable motion for the Poor, yet it might have ſeem'd better, had he not carried the Bag, tho he headed no Party.

In ſhort: *Commines* ſaith, *He is to be eſteemed a good Prince, whoſe Virtues are not over-ballanc'd by his Vices*: *And the* Perſians *never condemn'd any man (tho convicted) till his former life, had been weigh'd by the ſame Ballance, and found wanting.* To apply it: I skill not to flatter, even the dead; and yet a moral juſtice is due to the living: or,
Luke 10. 7. our Saviour had never ſaid, *The laborer is worthy of his hire*; and *So-*
Prov. 3. 27. *lomon*, *Withhold it not.* Is not his Royal Highneſs the Son of that King, whom our late Parliaments have ſo often declar'd a Martyr? and the onely Brother (and as yet,

in-

indiſputable Heir) of this King, who hath forgiven ſo much, and (to ſpeak once for all) Crimes greater than every thing, but the mercy that forgave them? And what could the world have deſign'd him more, than what the eepectation of his mighty Birth muſt (by courſe of Nature) have given him? Even the new phraſe, acknowledges it; *The Preſumptive Heir of three Imperial Crowns*: and yet during the Baniſhment of the Royal Family, who ſerv'd with more Courage Abroad? And ſince their happy Reſtauration, what Private Perſon made more Honorable Hazards at Home? When yet he had many things to fear, and nothing to deſire, but the Peace and Honor of the Kingdom: I need not far for inſtance, of what meets us every where:

Wit-

Lord Chancellors Speech to the Parliament at *Oxon*, 10. *Octob.* 65.

Witneſs for all, that memorable 3. of *June*, 1665. in which great Action (with the loſs of one ſingle Ship) he deſtroy'd and took 18 of the *Dutch* Ships of War, whereof half, were the beſt they had; and touching which, a late learned Judg of the Kingdom of *Ireland*, thus Epigrammatically accoſted his Majeſty:

*Ad Regem, &c.*

*Oliver Jones* Eſq; ſecond Juſtice of his Majeſties chief place in *Ireland*.

*Subdidit Arctoum tribus olim claſſibus æquor*
*Edgarus? At veſtræ pars quota laudis erit!*
*Obſeſſum Maris Imperium, felicior armis,*
*Aſſeris, & Batavas conteris (ultor) opes.*
*Euge! triumphato da jura perennia Ponto:*
*Jam ſcit cui Domino pareat undâ Maris.*

And

And muſt he after all this be ſmother'd in his own Perfumes? Muſt thoſe Glories he reapt from the Enemy, ſerve him only as ſo many Garlands to a deſtin'd Sacrifice? And becauſe he has deſerv'd too much, will nothing but an Oſtraciſm pay off his Debentures? Let every man lay his hand on his breaſt, and once more make the caſe his own; and then, I doubt not, but he will walk up to the thing he ſtartled at, and by giving himſelf a diſtinct view of what (before) frighten'd, be the more eaſily perſuaded into his ſenſes, and ſhame his fear: And I preſs it the rather, in that his Royal Highneſs (I have it from a Noble hand, of too much Honor to falſifie) hath ſo often declar'd, *That were it in his power to effect it, he would rather cut off his Arm, than make*

*make the leaſt alteration in the Religion, or Law of the Kingdom, as it is now eſtabliſh'd*: And if Truth be ſacred with private men, how much more muſt it be with a Prince? when, whoever wounds it, to ſave himſelf, does but take a blow on his head, to ſave his hilt.

To draw to an end; Has any man for companies ſake been perſuaded out of his way, what diſhonor is it if he comply with the
Gen. 16. 9. advice of the Angel to *Hagar*, *Return, and ſubmit*; or that other of our Saviour to the Lawyer tempting him,
Luke 10. 37. *Go, and do thou likewiſe*: and then he will the more unbiaſtly determin, whether Religion, or Monarchy, be the point in queſtion, aud what theſe murmurings againſt the Heir mean, if they carry not under 'em, a deſign on the Inheritance: for, let

the

the pretences be what other they pleaſe, even the beſt Virtues may be ſuſpected, when they become oſtentations; and therefore, when men ſhall maſk their Conſpiracies with the name of Publick Good; pretend Conſcience, againſt Duty; love to their Country, whereby to chalk a way to their own Ambition; zeal to Religion, to cover their own wild-fire, they may (I ſay) be ſuſpected, as made uſe of, rather to purchaſe a Principality on Earth, than the Kingdom of Heaven; in as much as ſuch courſes, have been ever condemned, by the ſame Religion they would pretend to defend.

Upon the whole matter: What the pretences of the late times ended in, we have moſt of us ſeen, and what influence they yet held on our own, we had ere this felt,

had

had not God been more merciful, in the discovery of the late horrid Association, and Conspiracy, against the lives of his Sacred Majesty, and his Royal Brother: Who would not swear they were of the same batch? for they agreed in substance, however otherwise, they might differ in circumstance: both (like *Sampson's* Foxes) were set upon destruction, tho they drew the fire-brands a contrary way. Those of 1641. did their work by degrees,

*Nemo repente fuit turpissimus*——

One Party, murder'd our late Sovereign, as a King, before the other, murder'd him, as a man; tho each yet, as deep in the guilt, as t'other; for, *Qui vult media ad finem, vult etiam, & ipsum finem;*

He

He that wills the means conducing to the end, wills also the end it self: These of this present, have seen that error, and thus far repented it to his Son,. That they laid the Ax to the root of the Tree, and took up the advice of *Abishai* to *David* (when they had found *Saul* sleeping.) *Let me smite him even to the earth at once, and I will not smite him the second time*: But, God has been once more seen in the Mountain; They are sunk in the Pit they made, in the Net which they hid, is their own foot taken: And therefore, to the numerous congratulations on this happy delivery, I'll close all with that of *Barclay*, 1 Sam. 26. 8.

*Vicimus*

*Virgil. l. 3.* *Vicimus O tandem non inaudita piorum*
*Vota Deis! Nunc, alma ſalus, nunc,*
*ſecula curat*
*Jupiter: Omnis Io ſuperum domus!*
*omnis honores*
*Ara ferat; nullæque vacent a fronte*
*Coronæ.*

Which I have thus adventur'd to Tranſlate, as more agreeable to the preſent ſenſe, than any uſeleſs dwelling on the Letter:

*We have o'recome! nor were our*
*Prayers in vain;*
*We're once more ſafe; and Heav'n,*
*proves Heav'n again:*
*Your Organ Temples! Deck your Al-*
*tars round!*
*Hallow the Threſhold! Let the Poſts*
*be Crown'd!*

FINIS.